

#16-1 California State Parks (CSP) actively promotes the positive health and social benefits of outdoor recreation. CSP also recognizes that motorized recreation provides economic stimulus. CSP also recognizes that State Park visitors provide substantial economic stimulus in small communities located near park access points.

#16-2 CSP recognizes and supports these concepts as well. The Preferred Alternative of the General Plan/EIR does not close any designated existing roads in ABDSP. Although these roads may be affected by future management plans, the overall mileage of these roads is anticipated to increase under the General Plan. Please see Responses #6-2, 6-7, 9-17, 9-18 and 15-11.



United Four Wheel Drive Associations
and
California Association of 4 Wheel Drive
Clubs

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September 10, 2004

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California Department of Parks & Recreation
8885 Rio San Diego Drive
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Subject: Comments on the Anza-Borrego Desert State Park Preliminary General
Plan & Draft Environmental Impact Report Sch # 2002021060

Dear Madam:

The below comments are submitted on behalf of the United Four Wheel Drive Associations (UFWDA) and its member associations, clubs and individuals. UFWDA is an international association representing over 20,000 motorized recreationists. The California Association of Four Wheel Drive Clubs (CA4WDC) is a member of UFWDA and shares an active interest in the land management decisions in the Southern California Desert. While the main focus of UFWDA is to advocate access to public lands for motorized recreation, many of our members participate in multiple forms of recreation; including but not limited to hunting, fishing, camping, hiking, horseback riding, bicycle riding, and gem and mineral collection.

16-1 | We recognized the positive health and social benefits that can be achieved by
through outdoor activities. We also recognize that motorized recreation
provides the small business owners in the local communities a significant
financial stimulus. Our members are directly affected by management
decisions concerning public land use.

16-2 | The UFWDA members subscribe to the concepts of: 1) public access to public
lands for their children and grandchildren; 2) condition and safety of the
environment; and 3) sharing our natural heritage. The general public desires
access to public lands now and for future generations. Limiting access today
deprives our children the opportunity to view the many natural wonders of
public lands. The general public is deeply concerned about the condition of

the environment and personal safety. They desire wildlife available for viewing and scenic vistas to enjoy. They also want to feel safe while enjoying the natural wonders. Lastly, the public desires to share the natural heritage with friends and family today as well as in the future. How can our children learn and appreciate our natural heritage when native species are allowed to deteriorate and historic routes are routinely blocked or eradicated from existence? With these guidelines, the below comments were developed.

I have reviewed the Preliminary General Plan (GP) and Draft Environmental Impact Report (DEIR) for Anza Borrego Desert State Park and have found many areas of concern.

First and foremost, this document is fatally flawed in that it does not follow the rule of law that established the Park. The original deed of transfer from the Department of the Interior, Bureau of Land Management, to the California State Parks under the provisions of the 1933 Congressional Act provided for the section of certain lands for the use of the California State Park System. The deed was subject to valid existing rights on the date of said act and upon express condition that the lands hereby granted must be used by the State of California for state park purposes. The closure of the Juan Batista De Anza National Historic Trail and road through Coyote Canyon clearly violates these provisions.

The road through Coyote Canyon is an established route that had been in continuous use by the public for recreation from at least the 1700's when the Spanish explorer for whom the National Historic Trail was named used it to find his way north to what is now San Francisco. This trail alignment was used as a principal way for immigrants, settlers and later farmers and ranchers to travel from the southeastern portion of the desert to the northwestern portion. In 1933 and 1934 the Civilian Conservation Corps graded and improved the road through Coyote Canyon. It had been in continuous use until 1995 when the California Department of Parks and Recreation (CDPR) closed a 3.1 mile section on the grounds of environmental impact. The Coyote Canyon Road still follows the same route that it did beginning in the 1700's.

When Senator Bill Morrow requested a legislative review of the Coyote Canyon situation from Diane F. Boyer-Vine, Legislative Counsel for California, he received the following response dated April 20, 2004. Coyote Canyon Road fits the criteria of a road under the federal RS2477 Statute, that CDPR did not have the authority to close a 3.1 mile section of the road as they did in 1995, and that CDPR's decision to close the road for environmental reasons is not a valid reason under state and/or county statutes. CDPR does not have jurisdiction to close the road because the County of San Diego has not relinquished its jurisdiction of this public route to the Department of Parks and Recreation.

see
15-1 to 15-
11

The assessment of ecological conditions issued by researchers from the Wildlife Health Center in 2002 entitled "Ecological Conditions in Coyote Canyon: Anza-Borrego Desert State Park: An Assessment of the Coyote Canyon Public Use Plan" was used without public review to justify continued closure of the Coyote Canyon to motor vehicles and further to support and justify assumptions and decisions reflected in the Revised General Plan and Draft Environmental Impact Report.

I object to the use of this document because it has not been submitted for public review and it does not legally support CDPR's closure policy nor provide best management practice, guidance for CDPR policy. Although the Assessment claims to analyze the ecological effects on Coyote Canyon on a "before and after basis" with regard to the removal of Off Road Vehicle traffic through the Canyon, the Assessment lacks adequate pre-closure data to compare with post-closure conditions. The Assessment is not based on replicated studies with a consistent baseline; it is rather based on "snapshot" observations made years after the Canyon was closed. The Assessment does not isolate the removal of Off Road Vehicles from other restoration projects that were implemented at the same time to improve the ecology of the Canyon. It is impossible to determine whether tamarisk removal or closure of the Canyon is more responsible for the return of so-called native vegetation growth in the Canyon. The study does not indicate whether any soil tests were conducted to determine salinity changes that would have been caused by tamarisk removal from the Canyon. It provides no data showing the extent to which tamarisk removal as opposed to Canyon closure may have contributed to ecological changes in the Canyon and Creek. It is entirely possible that the changes noted occurred due to the cumulative affects of both actions. Or, that both actions worked interactively to create the changes noted in the Assessment.

The Assessment is severely deficient in that it does not measure the recreational value of Coyote Canyon. The surveys conducted to determine visitor responses as they entered the closure area where conducted after the Canyon was closed to vehicles. Therefore the information collected is strongly biased against vehicle use in the Canyon. The visitors surveyed represented only those folks who were not disposed to visit the Canyon via motorized transportation. Any visitor surveys conducted must be designed and managed to obtain feedback from all user groups.

The Assessment also makes an extrapolation that closure of the Canyon resulted in larger numbers of Least Bell's Vireo. In the aftermath of the 1993 floods, no Least Bell's Vireo observed at Lower Willows as their preferred habitat had been destroyed. The re-growth of habitat combined with tamarisk removal would certainly account for the perceived increase in Vireo. Experience in other areas, such as, the Tijuana River Valley, indicates that vehicle traffic has little impact on this species when their habitat niche is available.

The aerial photographs included in the Assessment demonstrate the channel and vegetation changes that are to be expected in a braided river channel as a result of the preceding rainy season. While even the untrained eye can measure the amount of vegetation growth on a closed roadbed, it is not a significant measure of the recovery of the ecosystem. It is the very common response of a predominately dry, sandy creek bottom. The short-term gains in habitat for Least Bell's Vireo are exactly that, short-term. As the riparian corridor matures, it will become less valuable to Vireo, but will encourage other species. It is not surprising that the Southwest Willow Flycatcher has not been found in Coyote Canyon. According to the most recent research by Forest Service biologists in Arizona the Flycatcher is most attracted to a slack water slough ecosystem. While not impossible to develop and maintain in Coyote Canyon, it is much more difficult in the arid conditions and ephemeral or intermittent water flows in Coyote Creek. Especially after several years of drought conditions. Removal of the Wild Horse herd that tended to churn up the creek bottom in ways that would cause water to pool up and or flow slowly will likely have a negative impact on Willow Flycatcher habitat.

The conclusions that the Assessment makes regarding the effectiveness of management changes under the Public Use Plan are overstated, not supported by scientific studies or data, and are ultimately unfair to Park visitors by removing a historic Park use and severely limiting access to an important area of the Park.

All the documentation provided by Park Land Managers to support their determination to close this area to OHV traffic is flawed and does not legally support the need to close the Canyon.

I object to the proposed new zoning designations. They are not supported by legislation and they are not clearly defined in quantifiable terms. According to the State Park and Recreation Commission, Statements of Policy as amended on May 4, 1994 land acquired for the use and enjoyment of the of the people is statutorily classified as (a) Wilderness; (b) State Reserves, (c) State Parks; (d) State Recreation Units; (e) Historical Units; (f) Natural Preserves; (g) Cultural Preserves; (h) State Beaches; (i) State Seashores; (j) Trails; and (k) Wayside Campgrounds.

Anza-Borrego Desert State Park was established as a "park" which is defined in Black's Law Dictionary as "an enclosed pleasure ground in or near a city, set apart for the recreation of the public". How does the California Park Service define a "park"? What are the differences in management policies for the different classifications? What is the statutory authority for changes in classifications? I have not found a statutorily supported definition of the proposed "Backcountry Zoning"; therefore, I request that this designation be removed from the document. It does not have a legal definition or legal status

that I can verify. If there are, in fact, additional designations to those enumerated above, please provide the sources for them.

How can Park Managers justify accepting the designation of the ABDSP as a Biosphere Reserve in 1985? The Park clearly does not meet the traditional criteria for the establishment of a biosphere reserve, as these reserves contain strictly protected areas surrounded by buffer and transition zones where a range of human activities is permitted. Under the ideal model of such a reserve, a core zone is established at the center and preserves genetic materials and minimal habitat to maintain biological diversity. In ABDSP, this model is reversed with the developed area of Borrego Springs at its center. The current PGP and DEIR attempt to support the Biosphere Reserve agenda that is in direct conflict with the stated vision and mission of ABDSP.

Changing the definition of *high-quality recreation* to recreation that is dependent on the "high-quality" of the natural and cultural resources within a State Park is completely unacceptable. It represents the abandonment of the overriding principle of enabling visitors to enjoy the Park. It is impossible for visitors to enjoy the Park if they cannot access over two-thirds of it that are managed under State Wilderness designation. ABDSP contains not only some of the most intriguing and beautiful landscapes in California, it also contains some of the harshest and least forgiving landscapes in the Park system.

The average visitor is not equipped physically or mentally to take on the challenge of backpacking or hiking through miles of Wilderness in the extreme conditions found on the desert. This unfairly condemns the average Park visitor to the concentrated conditions of Focus-Use Zones that will lead to more crowding, fewer high-quality recreational experiences and more perceived negative impacts on the resources. This is a self-destructive cycle that will diminish the mission of ABDSP to be *the premier park in California...inspiring and educating park patrons and serving the needs of the public that are consistent with park objectives...* unless the park objectives are to completely deny the public the opportunity to experience the park.

The deed patent that transferred land from the Bureau of Land Management to the State of California reserves to the United States, its permittee or licensee the right to enter, occupy, and use any part or portion thereof. The 1974 proposal by staff to designate the Santa Rosa Mountains State Wilderness is in violation of the original deed transfer.

The loss of access through the establishment of Wilderness designations upon lands transferred to California State Parks from the Bureau of Land Management clearly violates this provision of the deed transfer. The fiduciary duty of the Park Service is to "...preserve the

see 15-1
to 15-11

#16-3 As discussed in Section P.1.2, the General Plan EIR is a first-tier, program level document. It creates management zones based on the Park's features and resources and Goals and Guidelines to guide future park managers. The Area-Specific Guidelines are still at a program level but directed to site-specific areas that are either large new acquisitions or contain other highly sensitive resources or interest. CSP felt that it was important to create specific goals and guidelines for these sites because of their potential for unique conditions and/or high visitor use and resource sensitivity.

#16-4 The General Plan sets the framework (management zones, goals and guidelines) for detailed decisions made in future management plans. The Plan recognizes the need for a Camping Management Plan, Roads Management Plan and Trail Management Plan (pages 3-58 and 3-59).

#16-5 Please see Response # 6-6.

#16-6 Please see Response #6-2. The General Plan does accommodate for recreational demand growth. The public use of existing features (roads, campgrounds etc) can increase. In addition, the plan allows for potential expansion of public use features (see figure 5.8).

#16-7 Please see Response 6-4 and 6-2.

park in its natural state so future generations might enjoy its intrinsic qualities...” Enjoyment of the Park’s intrinsic qualities necessarily indicates the public’s right to access them. Conservation, not preservation, of the public resources, and access to the cultural, natural, and historic resources has legal standing.

see
15-1 to
15-11

I find that the authors of this document have used many words and phrases that lack a clear definition and are not quantifiable. A General Plan covering a land mass as large as ABDSP must provide clearly definable standards that provide clear understandable measures of the impacts of management planning under this document. Terms, such as, “has the potential to”, “may have”, and “integrity of” are vague and subjective. Terms used in a document such as this must be quantifiable.

16-3

As stated on the Anza Borrego Desert State Park web page, “General Plans create a framework which guides day-to-day decision-making. They are the basis for developing focused management plans, specific project plans, and other proposals which implement the general plan’s goals. However, General Plans stop short of defining specific measures and/or timeframes for fulfilling these goals.”

16-4

I am concerned that this “general plan” should be a “programmatic” document reflecting guidance and direction for development of management actions to address site-specific issues. Rather than a “general plan”, this document provides site-specific management direction for some issues while leaving others for planning documents to be developed later.

16-5

While the General Plan does address many specific issues, it is silent on one critical issue affecting recreation access to the Park: a defined transportation plan that includes a network of routes to provide access to remote regions of the Park via motorized and non-motorized means for day use and disbursed camping.

16-6

Another critical shortcoming of the General Plan is the lack of review of cumulative impacts on visitor access and use with respect to adjoining federal, state, county, and private lands and the population growth of the region.

16-7

The General Plan warrants critical review in that it reflects a public land use ideology that is not in the best interests of the residents of California. While acknowledging that the populations of Southern California will continue to grow over the next 15-20 years, creating more demand for recreational opportunities at ABDSP and elsewhere, the General Plan does not accommodate for recreation demand growth.

To address growth, the “plan” reduces camping areas, eliminates access trails for vehicles, limits visitor-serving facilities, and expands Wilderness Areas.

Through this “Plan”, CDPR abandons its responsibility to provide a wide-range of outdoor recreation experiences for the public that live in the congested urban areas of Southern California. The “Plan” expresses a policy bias in favor of a select few who have the ability to hike long distances in desert conditions. Everyone else must experience much of the Park from a great distance or not at all. Access to many of the Park’s features is denied to children, the aged, the physically handicapped, and to healthy adults who simply do not wish to backpack in the Anza-Borrego heat.

Introduction

Page 3

The document states, “The GP/EIR provides discussion of **THE PROBABLE IMPACTS** of future development & established goals, policies...”. I strongly object to this sweeping generalization, as it is unsubstantiated and cannot be quantified without facts and specifics. For example, there is a statement regarding a newly discovered lizard that is only known from ABDSP. This does not mean this species is endemic to the Park. It just means it hasn’t been seen elsewhere yet. The use of vague terms like, “has the potential to, may impact, and could be harmful to” or other similar comments are too broad and subjective. These comments must be supported by scientific studies. Park managers have had many opportunities to perform scientific studies that would support their claims since the Park was formed in 1933.

Page 4

The third paragraph says, “The plan specifically envisions that a series of Focus Management Plans...be prepared subsequent to the adoption of the General Plan.”

Since the General Plan document does not include the criteria established for these Focus Management Plans, this document is incomplete, lacking in detail and invalid. Asking the public to comment on or support Focused Management Plans that will seriously impact trails, roads, recreational facilities, development and maintenance on the basis of the current data available is both impossible and unacceptable. The goals and objectives as outlined in this document are too broad and all encompassing to merit support without a much more detailed analysis of their impacts to local economies, recreational use and facility development to meet the needs of an increasing population.

Page 6

The sentence that reads, “ The designation of the State Wilderness and Cultural Preserve may be made with no further environmental review than that provided by this General Plan/EIR” is unacceptable.

This General Plan/DEIR does not provide any review of economic impacts or loss of recreational opportunities that these designations will cause. This statement indicates that the authority to designate Wilderness lies with the

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Park Manager or the Director of State Parks. According to Public Resources Code 5093.33 this is incorrect. The authority to designate Wilderness lies in the State Legislature. Therefore, this statement is incorrect and must be deleted from the General Plan/DEIR.

Introduction to Existing Conditions

Page 1-3

The document states, "ABDSP also holds the distinction of containing the largest area of State Wilderness in California, with 404,000 acres set aside, unimpaired for all generations." This statement is incorrect. Designation of Wilderness directly equates to loss of access for a disproportionate number of young, old and the physically impaired and/or challenged who will be unable to enjoy or enrich their lives by visiting and enjoying desert wilderness areas. With over two thirds of the Park already designated as wilderness, no more wilderness areas are needed. The location, lack of water resources, and climate of the area are all self-limiting factors of visitor use. Restriction of use of mechanical means of transportation in the desert climate significantly limits the number of visitors while increasing the danger to those who do visit.

Page 1-4

The document refers to 500 miles of primitive roadways and miles of mountainous trails to hike or ride. How many of these miles will be closed under the zones and prescriptions that will be implemented if this Plan is adopted? How have these roadways and trails been documented? What Deed and Title searches have been conducted to thoroughly determine if these roadways are under the Department of Transportation and/or county roads? Is there a complete and comprehensive route designation map available?

If so, does this map show all the trail alignments that have existed since the settling of this region? Please provide accurate mapping of all roads, primitive roads and trails within Park boundaries. Please provide accurate maps that show transportation linkages to existing trails, roads, and primitive roads along the Park boundaries.

The Park's purpose statement adopted by the State Park Director on March 20, 1964 is to...."***make available to the people forever, for their inspiration, enlightenment, and enjoyment, a spacious example of the plains, hills and mountains of the Western Colorado Desert...***" The current proposals in the General Plan/DEIR do not support this statement in that it does not indicate that two thirds of the Park will be inaccessible to the majority of Park visitors.

Since the Plan acknowledges that "the unique recreational and inspirational qualities are increasingly popular and sought after." Why does this Plan seek to reduce the opportunities to enjoy these qualities?

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15-20 to
15-31

Page 1-5

The discussion of the Spirit of Place casts a religious connotation on the act of visiting ABDSP. The way this document is worded compromises the established doctrine of “separation of church and state”. References to “spirit, spiritual, and religion” reflect a state supported religious aspect, which is inappropriate with respect to the doctrine of “separation of church and state”. This section is inappropriate and must be deleted.

The Plan asserts that, “Desert lands have long cast a spell on humanity. Many are the stories of people venturing far out into an uncharted desert for months or even years, only to return with wisdom and clarity.” It is a major contradiction to reduce these opportunities by restricting the majority of visitors to Focused-Use Zones that are highly regulated. This land use planning tactic removes most if not all opportunities for the unconstrained visits that are implied by the statement above.

Page 1-6

“This document...provides conceptual parameters for future management actions... It provides guidelines for future land use management within a park, including land acquisitions and the facilities required to accommodate an expected visitation increase.”

The latest studies, such as, “Shifting Trends in Wilderness Recreational Use by Robert C. Lucas and George H. Stankey shows that while Wilderness recreational use has grown greatly over the last forty years, the rate of increase in Wilderness recreational use has been slowing for some time. Recently it has leveled off and even declined in many areas. Visitation trends shown in this plan support the hypothesis that day use is the most common use, accounting for the majority of visits. Concentrating day-use activities in Focused-Use Zones reduces the opportunity for the average Park visitor to enjoy the peace and solitude that the Plan suggests is the ultimate goal of most Park visitors.

The Plan goes on to state, “whether the Park is experienced during a quiet walk through a forest of ocotillos, meditation upon a weathered boulder, a drive along a lonely road or on a guided wildflower tour, each visitor takes in its essence in his or her own personal way, to carry forever...”. This is a beautifully written sentiment that is not supported by the purpose and intent of this General Plan. The restrictions of additional Wilderness designations, establishment of Focused-Use Zones, restriction of mountain bikers and equestrians to designated roads and trails all combine to make this sense of place less achievable by more visitors.

Page 1-7

I take exception to the sentence “The General Plan process includes public participation with a goal of forging stronger more effective links with the local

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15-31

citizenry.” In actual practice, the current management of the Park has only fostered links with selected individuals and groups that support their preferred activities, such as, bird watching, nature walks and counting bighorn sheep. More active forms of recreational interests, such as, four wheel drive clubs and equestrians have actively lobbied for agreements and Memorandums of Understanding that will benefit the Park by assisting with trail maintenance, clean-ups and volunteer patrols without success. At a minimum, Volunteer Patrols would be a tremendous asset in such a vast area with so few rangers to patrol it. Park management has failed to accept this offer of public participation.

EXISTING CONDITIONS

Page 2-4,

References to Bureau of Land Management (BLM) allowed public uses and "...the potential for adverse environmental effects..." is a very biased statement. Approximately two thirds of the Park came from BLM patents. The transfer documents stated, "Please note that the patent from USA is conditional." Later patents, such as acquisition 131 dated 8/4/1975 had a reversion clause that BLM land could revert back to BLM "...if the Department of Parks and Recreation (DPR) fails to comply with commitments A through D in the decision dated October 23, 1975, then it's possible that the land will revert to the U.S.A...". This particular patent has sections within the 3.1 mile closure of Coyote Canyon Road. I feel that DPR has not, in fact, complied with the commitments as stated in the patent and is, therefore, subject to enforcement of the reversion clause.

On the same page in paragraph 7 the Plan states, "...as privately held lands are added to ABDSP...land previously closed will be available to public access..." What criteria will be used to determine that land acquired in the future will, in fact, be opened to public access? Park management has a long history of seeking to acquire properties to increase preservation not for public access. For example, the Plan discusses acquisition of the Lucky 5 Ranch not to provide additional camping or equestrian access, but for its importance as a valuable bio-corridor. It de-emphasizes additional recreational use while stressing preservation. This raises the question of the level of restrictions that will be placed on this parcel of land. It also casts extreme doubt on the intentions of Park Managers in any future land acquisitions.

Page 2-5

The Plan reads, "...although California State Parks works cooperatively with the U.S. Forest Service during fire events the fire management policies of the agency may conflict with those of California State Parks." This was readily apparent in the October 2003 fire in the Riverside County portion of the ABDSP. California State Parks has not maintained access to the water storage tank at the northern end of Coyote Canyon that was put there for fire suppression.

California State Park staff took very adversarial positions in fighting this fire. The lack of support for the use of heavy equipment during extreme fire conditions put both firefighters and citizens at great risk.

The Forest Service found a Marijuana Plantation on ABDSP adjacent to Forest Service land while fighting this fire. This clearly indicates a failure of land managers to exercise best management practices and effective oversight of public lands in their charge. When legal concerned citizens are barred from public lands and the managing agency is, in their words, too understaffed to provide effective oversight of these lands it is inevitable that criminal activities will increase. Why is the issue of this level of criminal activity within Park boundaries not even addressed in the General Plan/DEIR? Not only is there obviously illegal motorized traffic to set up such a plantation, such activity disturbs the ecological conditions in this section of the Park. It introduces exotic species, uses a higher level of water than so called native vegetation and leads to littering. Additionally, the consequence of wildlife fire from untended campfires is an ever-present danger.

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15-20 to
15-31

Page 2-5 & 6

There is a reference to Ocotillo Wells State Vehicle Recreation Area (OWSVRA). Park staff has expressed concern for seasonal flooding and washout of primitive roads. There have been multiple suggestions from the public that a cooperative agreement be worked out between OWSVRA and ABDSP. ABDSP would benefit from the heavy equipment that the SVRA has right next door to re-grade and restore these roads. This would expedite repairs and save taxpayer dollars. Currently, repairs are seriously delayed, which directly impacts the public's safety and right to access those affected sections of the Park.

Page 2-6

The document refers to the California Department of Fish and Game's game bird stocking program that may release exotic birds such as chuckar, pheasant and turkey. If this is an on-going program, how many years has it been in use? If these species have been released regularly over several years, they have become part of the ecosystem. What, if any, scientific data has been collected that demonstrates actual impacts on so-called native species and ecological processes? To date, no scientific study has been presented to support the arbitrary assumption of this "concern" although Park Land Managers have had ample time over the years to conduct such a study.

Page 2-7

What hydrological research has been conducted to establish that agricultural use and development does draw down the Borrego Valley aquifer? We don't agree that these are the only reasons for draw down of the aquifer. Climate change, seismic activity and changes in rainfall patterns are also responsible for decreased recharge of the aquifer. Other Park documentation

acknowledges that the region has been subjected to a prolonged period of below average rainfall.

see
15-31

Park Managers recently entered into an agreement with the Bureau of Land Management and Imperial County for tamarisk removal citing adverse impacts on the surface and ground water of the region. What research is currently being conducted to support the hypothesis that large agricultural operations in the desert are a major concern for natural resources of ABDSP? What data is available for review by licensed hydrologists that supports this hypothesis?

Page 2-8

How can the issue of Border security even be debated as “a negative impact on the areas aesthetic values? In this era of worldwide terrorism, why should we place the value of wildlife corridors higher than the security of our country and its residents?

The discussion of motor vehicle routes through the Park is moot. The RS2477 rule of law affects the status of many of the Park routes. Loss of opportunities to see the Park and to travel across the desert by the most efficient route far outweighs the negative impacts stated in this document. The mere fact that a road that crosses straight through the desert appears to be an artificial intrusion is a perception. It attempts to enforce one set of values over another. Discussion and decisions on routes should address the issue of public safety.

see
15-33 to
15-49

There are proposals to restore the San Diego and Arizona Eastern Railroad. Not only would this restoration allow many people an opportunity to view incredible vistas of ABDSP with little physical effort, it would provide a much needed linkage for the movement of goods between San Diego County and Mexico. Additionally, this restoration would enable Park patrons to see vast expanses of the Park while subtly controlling the impacts of such visitors. What impacts are anticipated to occur when this rail corridor is re-activated? What criteria will be used to determine the significance of these impacts?

Page 2-9

The discussion of land acquisitions goes far beyond the scope of Park management planning. Anza-Borrego Foundation operating as an independent 501(c) 3 to carry out Park management strategies removes accountability to the local and state populace.

The fact that a small group of Park Managers can establish land acquisition priorities and circumvent public oversight of the process by working through a non-governmental organization is unacceptable.

Page 2-10

The statement that California State Parks actively encourages participation from volunteer groups with ***that are consistent with the Park values and needs*** completely ignores some volunteer groups while encouraging other groups that conform to Park employee value systems. Other organizations such as off-road groups, Four-Wheel Drive Clubs, equestrian groups and other special interest groups are restricted to limited volunteer opportunities by Park staff.

Page 2-18

The statement that the badlands are fragile because they are subject to rapid changes whether natural or anthropogenic is unfairly biased. These badlands have existed for hundreds if not thousands of years although both natural and anthropogenic activities have taken place. This statement supports the false concept that nature exists in stasis. There are a multitude of natural activities, such as, earthquakes and severe storms that keep the landscape alive, dynamic and ever changing.

Page 2-20

This document states, "...the mineral resources of the ABDSP region are significant..." Loss of opportunities to explore for these resources does not support the higher public good. Mineral withdrawal in an area known for mineral resources has serious economic impacts on area residents. It impacts the cost of goods and services across many forms of industry and manufacturing. Denial of pre-existing mining claims is a major concern. What important resources are being secluded by the Park designations? Even lands that have been mined as open pits can be restored to scenic, natural appearing landscapes, as is demonstrated by the Cuyuna State Recreational Area in central Minnesota.

Page 2-21

The statement in the document reads, "...Subsidence caused by groundwater over draft for agricultural and recreational use **may be** a problem along the borders of the Park and for the town of Borrego Springs...". What is the scientific basis for this statement? What licensed hydrologist has been consulted on this matter? Why are no scientific studies referenced with regard to this claim? What other contributing factors are involved, such as, climate change and variations in rainfall patterns that are known to occur in associations with drought conditions?

Page 2-22

The discussion of the composition of the cryptogamic crust includes a very biased statement that "...open camping and off-trail hiking **may** have subtle yet significant negative effects on the desert ecosystem..." This statement is stated as fact, but is founded upon very limited scientific study. Desert soils are highly erosive and subject to both movement and change through a variety of natural events that include, but are not limited to, flooding, wind action and disturbance by burrowing animals. What baseline was used to determine that

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15-33 to
15-49

these soils are so sensitive and slow to recover from human disturbance as opposed to desert weather patterns and animal use? Photographic evidence collected by Park Rangers does not support the suggested negative impacts.

Page 2-23

The severe storms referred to in the Plan as "...hundred year storms, can deliver enough precipitation in a single 24 hour period to more than double the deserts average rainfall... and cause extensive damage...". This comment indicates a perception by land managers that the natural condition of the desert ecosystem is stasis, this, is simply not true. The fact that these so-called "hundred year storms" occur much more frequently supports the hypothesis that the desert ecosystems are dynamic, ever changing and vital.

When these so-called "hundred year storms" occur, areas impacted often experience new growth and dynamic changes in vegetation and wildlife activity. For example, after the severe storms of 1993 habitat specific species such as the Least Bell's Vireo simply relocated to sections of the riparian corridors where their habitat needs were met. Landscape and vegetation changes are a fact of life and are to be expected not feared.

Page 2-25, 26

There is a lengthy discussion on Air Quality and Pollutants. I agree that the major portion of the air pollution is wind-borne, however, the comments attributing the major sources to vehicular and mining activities within and adjacent to the Park are disingenuous at best. The issue of wind-borne particulate matter extends far beyond the causes stated in this document. Wind-borne particulate matter has been tracked around the world in catastrophic events, such as, when Mt. St. Helens in Washington State erupted in 1980.

Page 2-27

The discussion refers to the impact of alluvial flows on the Park's primitive road system. Park signage and visitor safety can and should be addressed through effective budget and maintenance allocations. Recognition of the need for adaptive management of primitive roads whose alignment may change seasonally, while more difficult than simply closing the roads, does not allow for monitoring and studies that will extend our knowledge of desert ecosystems. As mentioned earlier, a cooperative agreement with OWSRA would alleviate the expressed concerns and reduce the budget costs at the same time.

Page 2-27-28

The discussion of hydrology and water rights is of great concern. Why are there no licensed hydrologists reports referenced in this discussion? The claim that excessive water consumption is depleting the Colorado Desert water table

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is biased. Although increased development on the desert does impact water table levels, the long period of drought and climate changes that deposit less rain to recharge the aquifer also has a significant impact on the desert ecosystem. The language in this document that indicates that water flows and groundwater recharge within Park may be impacted by upstream diversions of water on private properties outside the Park boundaries has little merit. The reality is that this region is in a moderate to severe drought cycle. Since groundwater recharge occurs mainly by percolation from mountain streams as they enter and flow across the valleys, the average rainfall and the spacing of winter storms is a major factor in how much groundwater recharge will occur. The oldest rule in the west regarding water rights is that the upstream water user has the right to use it. Many of these diversions have been in place for many years. What empirical data has been collected by hydrologists to support direct linkages between existing upstream diversions and groundwater recharge?

Page 2-37

The fact that a significant number of perennial plants are found in washes, arroyos and adjacent terraces even though these areas are commonly used by highway-legal vehicles, equestrians, mountain bikes, hikers and campers indicates that the long term effect of recreational activities is minimal. What research studies have been conducted to measure vegetation growth patterns in washes and arroyos that are commonly used by recreationalists? What studies have been conducted to establish vegetation growth changes if recreational activities are absent? Many of the perennial plants described respond well to disturbed soils regardless of what caused the disturbance.

Page 2-39

Mycrophyll woodlands that are typically found in sandy or gravelly arroyos are subject to flash flooding and drought. Some primitive roads lie within these woodlands. What empirical studies have been done to measure vegetation changes in areas that have primitive roads? What studies have been done in similar areas without roads? What hard data has been recorded to establish that vegetation changes occur and that human recreational activities are directly responsible for them? Why are no studies referenced to support the need for change in current conditions? Since the arroyos where this vegetation complex occurs are subject to regular flash flooding, why are primitive roads that are subject to complete erasure by flooding being considered a negative impact? How much of this vegetation withstands a flood event?

Page 2-40

The discussion of amphibian species that have the potential to exist in ABDSP points out the frailty of these species in a xeric landscape. These species are living on the edge. Extraordinary efforts to protect and preserve such sensitive moisture dependent species are very expensive and subject to failure due to climate conditions and other cyclical changes over which Land Managers have

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no control. Attempts to restore such species to their so-called historic ranges must consider a wide range of factors including changes in the topography of the landscape, changes in precipitation amounts and distribution among many others.

Page 2-41

I take strong exception to the statement that “...ample and undisturbed sources of surface water and wetland and riparian are critical elements for avian survival and diversity within the Park...” The vast majority of the bird species cited are very adaptable to human activities provided their habitat needs are met. This can be done without eliminating human activities that are also dependent upon water resources in a desert setting.

Page 2-43

The General Plan/DEIR states; “State Route 78 and County Highway S2 provide a major source of negative impact to San Felipe Creek and associated wildlife and habitat.” Please provide the research and statistics to support this conclusion. Both of these roads are a result of engineering and planning prior to construction. They are historic and perhaps pre-historic routes that have provided significant transportation routes throughout the recorded history of the area.

Page 2-43

The General Plan/DEIR discusses the impacts of roads, equestrian, bike trails and foot traffic MAY erode montane riparian areas assisting in the establishment of invasive exotics. It goes on to discuss “...the equestrian-associated spread of exotic vegetation...”. This assertion has never been substantiated by hard scientific data. In fact, studies conducted by the University of California, Davis do not support this claim. The document asserts a positive correlation between the establishment of invasive exotic plants and human-induced disturbance of soils and vegetative cover. Is this research repeatable? If so, where has it been replicated? Please give complete reference information to support this comment.

Page 2-52

The General Plan/DEIR discusses the “probable” sighting of the Quino Checkerspot Butterfly. I strongly encourage that all planning and land designations regarding the potential occurrence of this species in the Park be based of hard scientific data. The species, first, must be documented to actually occur in ABDSP. I strongly oppose any potential habitat designations. The species either occurs in the Park or it doesn’t. Please document the entire range of this species with readily identifiable maps that indicate cities, towns, roads, routes and trails, and significant geographical landmarks. In addition, prior to designating critical habitat or restricting access, a recovery plan must be established.

Page 25-53

The document states that the Barefoot Gecko is a State Threatened Species. The questions are, What is the full range of this species? and What are the population counts in Mexico? If the species has been known to exist since the 1970's, why has there been no research done on its habitat and behaviors? If there is, in fact, no research data available on this species, how can it be considered a State Threatened Species?

Please document the entire range of this species with readily identifiable maps that indicate cities, towns, roads, routes and trails, and significant geographical landmarks.

Discussion of the Sandstone Night Lizard, stresses poaching as the major concern for this species. How is this area monitored? How many visitors are counted in this area per month? Although unsure of this species habits, the fact that it is referred to as a "night lizard" would seem to indicate that it is more active during periods of time when Park visitors are less apt to be in the area.

The document refers to "...agriculture, development and intensive off-road vehicle use as known threats to the Flat-tailed Horn Toad Lizard...". It does not mention the fact that the Argentine Ant has displaced the species of ant that is the horn toad lizard's primary food source. The Argentine Ant is noxious to the horn toad lizard, which has been the primary cause of population decline. This omission makes this section of the document incomplete and invalid.

I have a great deal of concern of regarding the tamarisk removal projects. Ample evidence exists that a principal ingredient in the herbicide is a petroleum-based product that has not been demonstrated to be safe for the environment or for the species found there.

If some of the reasoning for removing OHV traffic from the riparian areas is concern for contamination of water and ground surfaces by petroleum products, how can Park Managers justify the use of a petroleum-based herbicide on tamarisk? What research has been done to monitor the potential impacts of this herbicide on other vegetation in riparian corridors? What are the potential long-term effects of the use of this product?

With regard to the concern expressed that the majority of Least Bell's Vireo are found outside existing areas of designated critical habitat, it is not an indication that more critical habitat needs to be designated. It is an indication that the species is well on the way to recovery. Least Bell's Vireo populations are increasing throughout San Diego County.

Page 2-54

Discussion on the Peninsular Bighorn Sheep indicates that the sheep prefer open areas of low growing vegetation. How have the closure of the primitive

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road through Coyote Canyon and the increased density of vegetation in the creek bed impacted sheep drinking habits? In listing the major threats to the Bighorn Sheep, please quantify the impacts of each form of threat. What are the current mortality percentages of each of these threats on the Bighorn populations by ewe group? Current research does not support the rate of decline of ewe groups indicated in this document. Our research has shown that populations have been on the increase since 1986.

Page 2-56

The General Plan/DEIR discusses a number of species that are threatened or endangered that are found in the Park, but are not considered native. This seems to be a very subjective determination on the part of Park Managers. Why are threatened and endangered species that are not considered native to the Park, presented as management concerns of the Park? What is the point of maintaining Desert Pupfish in artificial conservation ponds if there is no intention to re-introduce them into the Park ecosystem?

This document appears to indicate that although this species has been held in conservation ponds since as early as 1978, there has been little research done to indicate that they could, in fact, be restored to Fish Creek. Why has so little been done?

I find the whole discussion of the Desert Tortoise invalid and incomplete. Desert Tortoise is notoriously slow moving and they are not native to ABDSP, although they are naturally occurring within 50 miles of the Park. Why has the biggest threat to Desert Tortoise populations not been mentioned in this document? There is no discussion of Raven predation on Desert Tortoise; therefore, this document is incomplete and invalid.

Page 2-57

I find the discussion of release of California Condors into ABDSP extremely disturbing. Removal of the Wild Horses from the Park on the basis of their impacts to native species while picking another species to release into the Park is at best hypocritical. There is no way to measure the unintended consequences of this proposal. Again, the question is raised as to why discussion of a non-native species with the intent to introduce (or re-introduce) them is being given consideration in Park management.

The introduction (or re-introduction) of a species into a non-native ecosystem calls for extensive study and documentation of the impacts. This General Plan/DEIR is not the place to introduce the concept of introduction of non-native species.

Page 2-61

I find the statement, "Domestic livestock and feral animals may also reduce the availability of water and forage." very offensive and biased. The perception of Park Managers that they can pick and choose which species to

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15-68

protect and which to discard based their perception of what is native is arbitrary and capricious. There is no logical reasoning for determinations. This further indicates that the conclusions found in this document are flawed and invalid. Therefore, this document must be changed to include objective, measurable and repeatable scientific data.

Page 2-63

Many of the trails throughout the Park were first developed by the Kumeyaay. This means some trails have been in existence for thousands of years. The trail and road alignment through Coyote Canyon has literally existed for thousands of years.

This document must recognize the historic significance of trails through the Park and ensure that the public has adequate access to these trails. It is important for Park visitors to experience and understand the incredible history of all the people who trekked along these trails as they explored and settled this region.

Page 2-72

I challenge the statement, "The extent of conveyance and any reservation of rights for access from land swaps and exchanges of the 1940s and 1950s (which are now referred to as deeds) have been reviewed by the California State Park's legal office." I believe that the Legislative Opinion issued on April 20, 2004 completely invalidates any findings by CSP's legal department. Originally, this road was established under the Treaty of Guadalupe Hidalgo in 1848. This was further established by language in the Surface Mining Act of 1866. All lawfully established county roads are carried forward in perpetuity, as is stated, in the Title Insurance in all properties the United States Government deeded to the railroads, which in many cases were sold to the public.

Private property transfers to the Parks Department contained stipulations, such as, these stipulations contained in the acquisition of the AA Burnard III parcel on January 12, 1976: "A Right of Way in favor of the Public over any portion of said land included in lawfully established roads." An additional stipulation reads; "Right of the public to use that portion of said land lying within the De Anza and Santa Catarina Trail."

The May 7, 1934 acquisition of the Marston property contains stipulations that read as follows; "A right of way of lawful width for any and all existing and lawfully established county roads, as reserved in the deed from the Southern Pacific Land Company."

On the Department of Parks and Recreation acquisition map #21, there is a footnote that reads; "the public has the right to use the De Anza Trail, see policy for 138. There is a similar footnote on DPR acquisition map #19 that states...see policy TI for 138."

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This refers to the Title Insurance for the Marston property, which is the 138th acquisition by the Department for inclusion in ABDSP. Both of these properties have sections of Coyote Canyon Road.

Page 2-73

I question the completeness and validity of the discussion of the work the Civilian Conservation Corps. Why isn't the project to build Coyote Canyon Trail into a road during the fall and winter of 1933 and 1934 mentioned? This was a significant project that should have been addressed in the General Plan/DEIR. The information regarding the work on Coyote Canyon Road was called to the attention of ABDSP Historian Alex Bevil via conversation during the public participation process for the General Plan and through e-mail per Mr. Bevil's request. Mr. Bevil was provided with information to contact a local Historian Paul Brigandi for verification of the information offered. Note: On Friday, May 22, 1925, there is an article from the Hemet News titled "Coyote Canyon by Automobile" William Martin and Arthur Winkler drove Mr. Winkler's Buick Coupe from Hemet to Borrego Valley by way of Coyote Canyon."

This is the first documented use of an automobile in Coyote Canyon. It occurred 80 years ago, which was 8 years before ABDSP was established. Why were both of these historical events omitted from discussion in this document? The period of the 1930's is filled with historical events regarding ABDSP, why is the rich heritage of the peoples of the Colorado Desert during this time being ignored?

On the same page in the discussion of Military and Scientific Activities the document states, "...the more than 27,000 acre Carrizo Impact Area is still closed to the public due to the presence of unexploded ordnance." This area contains portions of the Mormon Battalion Trail, the Butterfield Stage Route and the Jackass Mail Trail. The Department of Defense has offered to clean up portions of the impact area to allow safe passage and use of the historic trail. Why has ABDSP refused to support these measures and enter into a Memorandum of Understanding that will benefit the public by restoring an historic trail alignment that would help future generations understand the important historic events that this trail represents. We plan to request assistance from both Federal and County Elected Officials to resolve this issue.

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Page 2-82

The document states "...public demand has clearly exceeded capacity". What criterion was used to determine this statement? How many school groups are turned away annually? How many members of the public have been denied entry into the Park based on "lack of capacity"? Could staff working hours be modified to accommodate these groups? Can a volunteer staff be trained to meet these demands? The discussion of the current facilities not being large enough to accommodate the public in wildflower viewing season is moot. The

vast swings in visitors mean that at certain times of the year there will never be adequate space for all visitors for relatively short periods of time.

The number of visitors recorded to have visited the Park has not changed from the first draft of the GP that was released last year. This draft does not substantiate these numbers either. Therefore, I insist that until these numbers are substantiated, they neither be used as a measure of visitors to the Park nor as a basis to support management decisions affecting access to the Park.

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Page 2-84

It seems that increasing the number of self-guided trails, including both walking and driving tours would benefit both Park staff and visitors by dispersing visitors through out the viewing areas rather than continuing the current system that encourages the public to start at the visitor center to collect the necessary information for a self-guided tour. This supports the need to provide manned kiosks at the entrances to the Park at least during the active wildflower-viewing season.

Page 2-88

Where was the definition of recreation quoted at the top of the page taken from? Both the New World Dictionary of American Language published 1986 and Webster's Dictionary published 2001 do not give definitions 3 and 4 as a direct definition of the word *recreation*. The act of creating anew is the definition of the word *recreate*. Although *recreate* has the same root as *recreation* it is not pronounced the same and cannot be used as a synonym. Nowhere can I find *restoration*, *recovery* used to define *recreation*.

Please provide the source for these definitions of *recreation* or correct your document to reflect the correct definition of the word *recreation*. This is just one example of the biased language and references that are used throughout this document.

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15-73

The discussion on current Park Visitor Information clearly demonstrates the need for Land Managers to increase and spread out available day-use facilities. There appears to be a very strong need for Park Management to re-think how they handle Park Visitors. The Plan seeks to reduce the acres available to public use through "Focused Use Zoning. This will further compound existing crowding and will, inevitably, increase perceived visitor impacts. Reducing the amount of area open to recreational activities concentrates user activities increasing the experience of feeling crowded. This lessens the opportunity for Park visitors to have a high-quality recreational experience.

Page 2-92

The visitor center currently serves as THE orientation center for first-time visitors to the Park. This needs to change and provide for development of manned kiosks at the Park boundaries to assist the first-time visitor with maps

and trail information. This will relieve the stress on the visitor center, even if they are only open and manned during wildflower viewing season.

There are currently 404,000 acres of the Park classified as State Wilderness. However eloquently this document describes the magical experiences of the desert wilderness, the fact remains that Park lands are not pristine. There are many man made intrusions in the areas proposed for Wilderness designation that should exclude them from such designation. There are historical records and abandoned structures that disprove the statement that most of the land within Park boundaries is pristine. The fact that so much of the Park carries this designation in an area with such harsh and unforgiving climatic conditions means that the majority of Park visitors will never have the chance to experience or even see “...*plains, hills, and mountains of the western Colorado Desert...*”.

Page 2-94

The last bullet point in section 2.3.3 Regional Planning Influences refers to “Missing Links: Restoring Connectivity to California Landscapes” lists a number of organizations including the Nature Conservancy and California Wilderness Coalition. I strongly question the Park’s definition of “connectivity”. Why hasn’t this connectivity been used to restore historic trails? Why hasn’t it been used to preserve the connectivity of trails and roads between towns, forests, and Bureau of Land Management Resource Areas? Why has Park Management not embraced the California Backcountry Discovery Trail concept that would encourage the public to travel through the Park and provide connectivity with other public lands?

Page 2-95

Section 2.3.3.4 state; “Current roads and associated easements are known to fragment biological connectivity. This is documented for female Bighorn and developed roads.” Please provide the documentation for our review. What primitive roads or trails may be affected by this issue?

Page 2-96

The discussion of visitation of the General Plan/DEIR includes a number of different demographics that define visitors to the Park. It also quotes statistics regarding average Park visitation per year and per month. We have asked before and ask again. How were these figures obtained? Where is the data that substantiates these figures? How have these figures been verified? The methodology of recording visitor numbers to the Park must be fully disclosed as part of an open and transparent process.

Page 2-97

The discussion of public involvement is interesting in that I have been active participant in this process since it’s beginning. I believe the decisions that have resulted in this General Plan do not accurately reflect the public input

that was given throughout this planning process. Although the authors of the General Plan/DEIR state that this document attempts to balance protection of sensitive natural and cultural resources with providing opportunities for high quality outdoor recreation, in my opinion, it fails miserably to adequately provide for reasonable access to over two thirds of the Park.

It neglects significant opportunities to educate and inform Park visitors about many of the cultural and historical resources of the Park while decreasing access to most of the Park regardless of prior use. I find this document to be fatally flawed and biased in favor of resource protection at the expense of the public's opportunities to enjoy and be inspired by the outstanding natural resources of ABDSP. According to the results of visitor surveys, Land Managers must support the need to have more dispersed camping areas to lessen impacts of crowding on recreational experiences. The majority of visitors preferred moderately defined trails with adequate signage. The majority of visitors were accepting of some vehicular activity in Coyote Canyon. Restoration of a throughway in the Canyon will minimize the impacts to the Canyon by eliminating its use as a destination.

I strongly object to the statement, "Intensity of visitor use is not quantified. There is a perception that areas are taken away from public access without supportive data." I strongly question the validity of data that has been presented to justify Wilderness designations and closure of vast areas of the Park to the average visitor. Complete closure of the Canyon has caused the loss of access to Bailey's Cabin, Alder Canyon, and Horse canyon, loss of access to the primitive road from Coyote Canyon to Lost Valley.

The loss of nearly a mile of vehicle access in Yucca Valley, a spur off Coyote Canyon Road above Middle Willows and approximately another mile of route that is a spur from Alder Canyon to Mangalar Spring, west of Bailey's Cabin. I, strongly, question these closures as it is entirely possible to "Cherry stem" routes in Wilderness areas. I suggest that Park Managers view the loss of these routes as mitigation for the closure of the 3.1 mile section of Coyote Canyon in conjunction with the 1995 Coyote Canyon Public Use Plan and create an alternate route for street legal vehicle traffic through the Canyon.

Page 2-101

Section 2.4.1 discusses what the General Plan authors consider the major issues derived from the General Plan process. Statements on potential negative impacts to soil, geology and hydrology are very broad based and lack specific scientific data to support them. Comments such as lack of conservation ethics or breakdown of communications between a variety of public land management agencies and private citizens are biased, judgmental and arrogant. It appears that Park Managers believe they are the only ones capable of making informed and reasonable conservation decisions.

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Page 2-102

I strongly challenge the statement that once damaged desert environments are very difficult to restore. Desert lands in both the Colorado and Mohave ecosystems are dynamic and complex. Natural processes quickly erase most of the transient impacts of the passage of man. This document refers to lack of contiguous historic trails because desert weather patterns, such as, flash flooding, intense seasonal storms and the natural erosion of sandy, gravelly soils have combined to erase most of the signs of human passage. Abandoned homesteads and buildings are quickly reduced to almost unidentifiable rubble. Vegetation washed away by flash flooding re-grows quickly re-establishing unique habitat niches necessary for various species to thrive. Trails and primitive roads need to be repaired or restored after each rainy season often limiting access for the average Park visitor for extended periods of time.

Page 2-103

The claim that ABDSP is among the remnant lands that will sustain wild plants and animals in their native functional ecological systems is simply not true. The California Desert Protection Plan, the Santa Rosa-San Jacinto National Monument and other conservation plans cover most of the areas of the Southern California desert. Hundreds of thousands of acres of the desert ecosystem are currently included in conservation and management plans that cover the entire Southeastern corner of the State. As previously stated, this plan fails to address the cumulative impacts of surrounding regions on its proposed management actions.

In section 2.4.3

The General Plan/ DEIR expresses concern that sheet wash, wind and rain scouring, seasonal flooding in washes and side canyons seismic activity, and other natural forces will eventually remove all physical remains of past human use. This substantiates our objection to the statement that once damaged desert environments are very difficult to restore. Why is Park staff choosing to formulate plans to stabilize archaeological sites within the Park in response to natural erosion and degradation? Why are prehistoric remnants of human activities acceptable when more current indications of human use are being erased? Why is there such a disconnect in Park Management planning?

The fact that many vehicular routes to existing archaeological sites are closed indicates the importance of the impact of desert terrain on travel routes. Obviously the routes that were chosen by prehistoric peoples are still valuable to the people of today. The value of these sites lies in the education of current and future generations about past cultures and how they dealt with living in the desert environment. They must be shared with Park visitors.

Recreational activities such as camping, vehicular use, hiking and horseback riding can provide exceptional interpretive opportunities that will strengthen

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the bonds between past, present, and future generations. Rather than establishing limited access to Cultural Resource Reserves, all necessary efforts to enable Park visitors to experience connection with past Park inhabitants should be a high priority. This would truly make the Park mission, “to be the premiere park in California...inspiring and educating park patrons, and serving the needs of the public...”

Page 2-104

Section 2.4.4 discusses aesthetic resource issues that are purely subjective in nature and are not quantifiable. The biased mindset that views any and all activities of man as negative impacts has no place in a General Plan for management of a State Park. Statements such as, “indiscriminant footpaths and roads form artificial lines that slash across the textures and subtle lines of the desert.” are biased and unfair. To many Park visitors the existence of such lines creates a sense of safety, a pathway to escape the rigors of the desert climate if needed.

The discussion of viewsheds should be limited to those views from the Park boundaries looking in. There are a plethora of viewsheds within the 640,000 acres of rugged terrain that makes up ABDSP to satisfy the visitor’s sense of isolation and the Park’s wilderness qualities.

Page 2-105

Section 2.4.7 discusses recreational issues. If there are concerns regarding potential conflicts between some active and passive uses of the Park in “shared use” areas, the potential to increase these areas in size needs to be made a much higher priority than this draft of the General Plan/DEIR considers. Careful survey of Park lands and opening more acres to recreational use is critical to dealing with “shared use” conflicts. ABDSP has great potential to take advantage of its unique terrain to accommodate greater numbers of visitors and still maintain a sense of wildness and solitude for Park visitors.

The limits set by this draft of the General Plan/DEIR for more developed camping facilities will clearly not support the perceived increase in Park visitors in the future. More and better located developed and semi-primitive campsites can give more visitors the uncrowded solitude they come to the desert for. There are many reasons for increasing dispersed recreational use. Legal activities will provide a presence in the Park that will lead to a decrease in the negative activities such as drug trafficking, immigration, rave parties, vandalism etc.

The bullet point that singles out guided tours and lumps this together with the leaving of human waste is a gratuitously biased, unfair and a rude statement. Why would guided tours be considered a negative impact? Concessionaires can improve Park patrons experience, help control visitor impacts and provide

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additional eyes and ears to help Park staff monitor Park patron behavior and safety.

The bullet point that refers to parallel or duplicate routes of travel begs the question, why have these routes developed? Unless these trails are in extremely close proximity to each other, this statement is just not true. Parallel or duplicative routes that are separated by vegetation or terrain can increase the visitor's experience of solitude by dispersing visitors over a wider area of the Park increasing the opportunity for each individual visitor to seek and enjoy solitude.

Page 2-107

Section 2.4.8 discusses the issues of facilities and Park operation. There are so many improved communication technologies that Park staff must be extremely pro-active in seeking out better communication systems. The potential to establish additional cellular telephone towers and to use satellite linkages more effectively can correct this concern. The cyclical nature of Park visitation can be addressed by carefully monitoring staff scheduling and use of seasonal, temporary and volunteer staffing during periods of high visitation. Some of the concerns regarding Park visitor safety can easily be addressed by encouraging concessionaire guided tours and volunteer patrols.

Page 2-108

Section 2.4.9 discusses land acquisition issues and implies that the fact that land adjacent to the Park is privately held unfairly restricts the ability of the citizens of California from enjoying valuable cultural and natural resources. The stated "preservation, protection agenda evidenced in this document appears to create far greater restrictions on the citizens of California than adjoining private property. According to statements made in section 2.4.8, Park staff is unable to efficiently patrol and monitor existing Park acreage; therefore additional land acquisitions are unreasonable. Land acquisition must have the lowest priority in this General Plan/DEIR.

Section 2.4.10 discusses the impacts of adjacent land uses on the Park. We find the first statement that reads, "...leaving ABDSP among the remnant lands that will sustain wild plants and animals in their native functional systems," unfair and misleading. California alone has 130 Wilderness areas totaling 14,085,258 acres. Neighboring States, such as, Nevada (42 Wilderness areas 2,123,434 acres, Arizona (90 Wilderness areas (4,528,913 acres) and Utah (6 Wilderness areas 4,005,712 acres) all have protected desert ecosystems within their respective Wilderness areas. The California Desert Protection Act set aside over 1.5 million acres of desert and mountain ecosystems in Southern California. Linkages exist from the Mexican and Arizona border to the Sierra Nevada Mountains and the Mohave Preserve, therefore the statement, "remnant lands" is incorrect, unfairly biased and inflammatory. It must to be dropped from the final document.

Page 3-3

The very narrow definition of “high-quality recreation” as that which is completely dependent on the “high-quality” of the natural and cultural resources within a State Park is unacceptable. This still places preservation at a higher priority than recreation and will continue to place unfairly harsh restrictions on public access. What empirical data exists to substantiate this assertion? How was the data to support this definition gathered? What objective observations is it based on? Is the data reliable? It is repeatable?

Page 3-4

The concept that significant natural and cultural resources are ‘extremely sensitive’ to public use is a very biased and subjective perception. These resources have lasted for thousands of years. If the visiting public takes reasonable care they will last for thousands more or until the next earthquake or flash flood.

Public Resources Code 5019.53 states, “***...Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education...improvements may be undertaken to provide for recreational activities including, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests or waters...***”

This Preliminary General Plan/ Draft Environmental Impact Report does not support these objectives. It is, therefore, flawed and must be revised to encompass all the objectives contained in the PRC. Any additional withdrawals of lands within the Park to Wilderness status do not support these objectives. The history of vehicular traffic through Coyote Canyon has not produced a major modification of lands, forests, or waters. Therefore, this access should be restored as it will allow those less able to hike, bike or ride horseback a way to enjoy and learn about Park resources. Further, revision of this document must include a thorough review of the rule of law, transfer deed stipulations and mandates that established and expanded the Park to its current size.

Page 3-7

The Mission Statement for Anza-Borrego Desert State Park as stated in this General Plan document is unacceptable. It completely eliminates recreation as an objective in Park management. Both the Mission Statement and Objectives fail to include recreation. It is therefore incongruent with the California State Park Mission Statement and must be changed.

Page 3-9

Sections 3.2.4.2 and 3.2.4.3 establish Focus-Use Zones that will crowd the majority of Park patrons into “...small, highly regulated areas...” This is clearly unacceptable. Establishment of these zones violates the California State Park Mission, the Anza-Borrego Desert State Park Declaration of Purpose, the Anza-

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Borrego Desert State Park Mission Statement, and the Anza-Borrego Desert State Park Vision Statement. Therefore, they must be dropped from consideration as part of the General Plan.

Page 3-13

Section 3.2.4.4 defines a Backcountry Zone that is not clearly defined and has no statutory support; therefore, it must be removed from consideration in this document.

Page 3-15

Section 3.2.4.5 refers to PRC (5093.31), the purpose of Wilderness is to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas on state-owned lands within California. The fact that California currently has 130 Wilderness Areas that cover 14,085,258 acres will ensure that this section of the PRC is adequately met. In addition, that fact that ABDSP is set aside as a park removes its lands from occupancy due to settlement.

There are additional acres that are held in relatively natural condition in state, county and city parks. Additional Wilderness designations with their attendant restrictions on human accessibility and enjoyment are unnecessary. There are already sufficient protections in place through the State Legislature, State Resource Agency, and the Department of Parks and Recreation with the support of the California Environmental Quality Act.

I strongly object to the language in the General Plan/DEIR that implies potential road closures or realignments based on current and future potential Wilderness designations. The option to cherry stem existing roads is not addressed in this document. This language must be added.

The proposed Wil-yee Wilderness area does not meet the criteria for designation as Wilderness. It is not roadless. It contains the oldest historic Right of Way road in the state. There are spur roads off this Right of Way that pre-date the establishment of the Park. Additionally, there are many signs of mans presence and actions on the land such as structures, fencing and irrigation lines.

Page 3-17

Section 3.2.4.6 discusses the establishment of a Cultural Preserve located in the western-most wedge of "Scissors Crossing" (the intersection of County Road S-2 and State Highway 78) in the San Felipe Valley. This area is a natural crossroads that has been used for literally thousands of years. It is an unreasonable and irrational decision to establish a Cultural Reserve in this area, since "an extremely low-level of visitor impact is desired for this area." While pre-historic vestiges of Indian culture are important, so are historic uses such as the Mormon Battalion Trail, the Southern Emigrant Trail and the

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Butterfield Stage Route. It is extremely important to value all the uses of this regional transportation crossroads. The primary focus of this area should be on interpretation and education of this and future generations.

Page 3-18

Section 3.3.1.1 states that detailed site-specific data is often unavailable. The Park has been available for scientific research since 1933. How have land management decisions been made in the past 71 years if there is a lack of scientific data to base them on? How can resource integrity be determined to be in “imminent danger” if the scientific data is so scarce? Many decisions appear to have been made without unbiased site-specific data. Please provide documentation of all delays in management actions that have resulted in costly damage or irreversible loss of sensitive habitat or species.

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15-105

Page 3-19

Guideline- Data 1a states “A range of actions for resource protection could include closure or relocation of visitor use areas, permanent or seasonal closure, access by lottery, permits, interpretation/education, institution of restoration projects, etc.” How does this guideline comply with the purpose for which ABDSP was established? How does it comply with the Keene Collier Act, the Dunlap Bill, and Public Resources Codes, the State and Federal Historic Preservation Acts and the California Environmental Quality Act? What is the authority that establishes the right to allow access by lottery decisions? Please provide the statutory support for this action.

Page 3-23

The discussion of the present rate of decline and extinction of plants and species is the subject of great debate. Even the basic data regarding the number of species is suspect. All of the data used to support the “global biodiversity crisis hypothesis” stems principally from eight prolific scientific authors whose data has been questionable since it was first published. The presence and proliferation of such top predator species as mountain lions and wolves indicates that ecosystem health is improving.

The “biodiversity crisis” is not substantiated by verifiable data. Observational data does not support the modeled data that is recited regularly as fact. California State Parks is not qualified to determine situations where State and Federal environmental legislation is not adequate to protect native biota. By their own admission, they lack the detailed site-specific scientific data to make science driven decisions. They must manage the lands in their care according to the rule of law that established the Park.

see
15-107
to
15-110

Page 3-24

Guideline-Biota 1d states, “Management strategies will be developed to counteract declines or loss of native biota if those declines are the result of human actions and appear to indicate a compromised native species or ecological system.”

I have strong concerns about this guideline. It needs full careful oversight. Management strategies must mitigate these stated concerns without compromising the pre-existing purposes, laws, and deed stipulations that are the foundation for establishment of the Park. This guideline is very subjective. Any changes to management strategies must be based on current science based data.

Page 3-25

The statement "Visitor uses such as equestrian activity, camping, vehicular use, and hiking are thought to contribute to the spread of some exotic plant species" ignores the many other methods that plant seeds are spread. Migrating birds are known to spread exotic plant seeds along their associated flyways. Atmospheric conditions and exceptional weather conditions such as tornados uproot plants and their seeds pushing them high into the upper atmosphere to be deposited hundreds or perhaps thousands of miles away from their point of origin. Flash floods and windstorms carry plants and seeds many miles before depositing them in new locations. Singling out recreational visitors to the Park is not supported by reliable repeatable science.

Guideline-Biota 1h states, "Extirpated species may be re-introduced pending a detailed feasibility assessment to determine whether it would be appropriate given visitor uses and data that the Park could support the species."

Again, I am very concerned with the process by which this feasibility assessment will be conducted. Due to issues such as the lack of substantive scientific data to support the closure of a 3.1 mile section of Coyote Canyon and removal of the Wild horse band before commissioned observational studies were completed suggest that Park Management is being driven by something other than sound verifiable scientific data. This must be changed.

Page 3-27

Regarding the entire discussion of fire management, I have grave concerns about the ability of current Park management staff to work cooperatively with other agencies in the event of the outbreak of wildland fire. I suggest that past actions of Park staff be reviewed in regard to cooperation with other agencies in recent emergency wildland fires. I view formation of an effective multiple agency fire management plan as extremely critical. While there may be circumstances where prescribed burns may be viewed as essential to ecosystem health, I feel strongly that fire is only one factor in an effective fire management plan. This planning is essential given the extended drought conditions and hazard of uncontrolled wildland fire within and adjacent to ABDSP boundaries.

Page 3-30

see
15-107
to
15-110

see
15-112

Guideline-Cultural Resources 1b states, "...conduct research on known roads, trails, natural corridors and segments of routes of travel to identify their builders..." Not all historic routes have been identified. Segments of historic routes should be defined as clearly as those routes that traverse ABDSP. These historic routes should link to their historic alignments beyond Park boundaries.

This General Plan/DEIR is incomplete because it lacks a clearly defined maintenance plan for all routes and trails. Although we support care for the cultural resources of the Park, we insist that any mitigation measures, such as, site-specific closures and moving of roads, trails or camping locations result in no net loss of roads, trails or access.

Page 3-32

With regard to the 4th bullet point states, "...identify procedures for careful planning of new roads, trails, day-use facilities to avoid or at least minimize adverse affects to historical resources within the Park..." In my opinion, these procedures and the process for determining adverse affects must be developed and included in the General Plan/DEIR document. The criteria and process for determining adverse affects must be subject to public review.

Page 3-33

Guideline-Cultural Resources 4b: states, "other management actions to protect these areas may include re-routing trails or roads, road closures, relocation of parking, trail heads or other visitor facilities..."

I strongly suggest that the preferred management action be re-routing of roads or trails. I suggest the public be involved in the decision-making process. There are times when the opportunity to interpret an historical cultural resource should take precedence over preservation. ABDSP contains a wealth of historic resources that can be used to help Park patrons to reconnect with their forefathers and better appreciate their efforts in settling California.

Page 3-35

Goal - Interpretation 2 states, "include outreach efforts to develop partnerships with and support from the community for interpretive programming and environmental education."

Why are no recreationally based organizations included as potential partners? Literally every recreational organization that patronizes the Park has an environmental education component such as "Tread Lightly", "Leave No Trace", "Adopt-a-Trail" and locally developed programs that can engage a much larger group of volunteers and benefit interpretive programs by introducing much more diverse perspectives of the Park.

Page 3-41

see
15-114
to
15-117

In response to the discussion of recreation, I whole-heartedly agree with the statement that "...recreation and preservation are not opposite ends of the spectrum. It doesn't matter how Park patrons enjoy visiting the Park, they are drawn by the desire for similar experiences that cannot be found in the urban/suburban setting..." ABDSP holds a fascination and beauty that cannot be denied. I am concerned about phrases such as "where feasible" and "appropriate user groups", being used without clear definition of these terms. Please provide clear definition of these phrases and the intent behind their use.

Page 3-42

Guideline-Recreation 2a states: "If necessary, carrying capacity for given locations may be established and visitation limited to seasonal access or by lottery, some locations may require closure to certain types of activities." I strongly object to the insertion of new concepts such as use of a lottery system to access certain sections of the Park. Park staff has not, to date, provided sufficient hard scientific data to prove that Park landscapes are suffering anything other than very subjective perceptions of impacts. The stated agenda of Park Management staff and superintendents is to close roads and access to such unique historical routes, such as the Coyote Canyon Road, is unreasonable and unacceptable. Documentation exists to substantiate the agenda of road closures and removal of public visitation opportunities without public review that extend back to October 26, 1995. This documentation substantiates the lack of factual evidence to support closure of the Road for environmental reasons.

Page 3-42

Guideline-Recreation 2b: states, "Work closely with recreational and disabled advisory groups to ensure that their specific needs are addressed and incorporated into management decisions where feasible and appropriate."

I object to the language, "where feasible and appropriate". This language clearly echoes a Park that is delinquent in addressing compliance with the Americans with Disabilities Act. It also limits lawful recreational activities without defining or explaining their impacts.

Page 3-44

Goal-Leadership 1: states, "Act as a leader among agencies and groups that are active in providing recreation and preservation by nurturing partnerships and advocacy of the Park's Mission." Those who represent active recreational groups, have worked diligently to nurture partnerships with Park Managers. I have not seen any such leadership exercised by current Park Management staff. They have been adversarial with the US Forest Service and CDF in dealing with recent wildland fires. They have refused to sign a written agreement to work with Backcountry Horsemen of California and they have exhibited substandard

levels of communication and partnership with several other recognized recreation based organizations.

Page 3-45

Guideline-Community 3a states, "...encourage and develop volunteer groups and work programs that are consistent with park needs and values". What criteria will be used to define consistency? How many of the "Values" used have come from public comment?

I strongly suggest that Park Managers seek guidance of other agencies, such as, the US Forest Service and BLM to develop programs such as Adopt-a-Trail and Adopt-a-Cabin. The Park has roads, trails and structures that would benefit from such programs.

Page 3-46

I have great concern with Guideline-Community 6a: Guideline Com-4: "create a grant writing program with the assistance of local environmental and non-profit groups." There must be careful and thorough oversight of this process with an advisory committee made up of stakeholders with many diverse viewpoints.

Page 3-47

Guideline-Property 2a expresses the need to contain or minimize perceived negative effects from land use on properties adjacent to Park boundaries. This seriously over reaches the Park Mission. Park staff has no authorization to dictate to actions on lands outside the Park boundaries.

Page 3-48

I am not opposed to the guidelines presented on this page; however, I request clarification of terms and phrases such as "reasonable accommodation", "sustainable green design". Please provide definitions of these phrases.

Page 3-49

I strongly object to any staff housing being maintained or developed within Park boundaries. This guideline is in direct conflict with the Park Mission, Declaration of Purpose, and Vision. It is completely unacceptable to use Park lands in this way.

Page 3-51

Section 3.3.2.2 Carrizo Impact Area states: "The Carrizo Impact Area is located in the Southeasterly portion of the Park between Fish Creek and the Coyote Mountains. This area includes approximately 27,000 acres in the Carrizo Badlands and was used between 1942-1959 as an aerial bombing range by the U.S. Army and Navy. Because of the potential danger of uncovering unexploded ordnances, the public is denied access to one of the Park's most scenic areas." Members of the public have discovered that the Department of Defense is willing to entertain a Memorandum of Understanding to clean up this

see
15-119
to
15-132

area or at least a corridor that would include the historic Mormon Battalion Trail. I strongly encourage Park Management to pursue this opportunity to open this area to the public and restore access to the Mormon Battalion Trail, the Butterfield Stage Route and the Jackass Mail Trail.

Page 3-53 Paragraph 2 First sentence reads; “Dudek and Associates (1999) assessed the potential to develop alternative routes for the 3.1 mile road closure and found significant obstacles to the potential road realignment. Factors influencing the infeasibility of the routes included high cost, conflict with State Wilderness designation and required consultation with the U.S. Fish and Wildlife Service regarding the effect to endangered Peninsular Bighorn Sheep.” I object to the use of this assessment. It is fatally flawed. Cost to protect a contiguous historic travel route must be considered a non-issue. Any conflict with State Wilderness designations can be addressed by petitioning the Park and Recreation Commission to amend the State Wilderness boundaries as was done in 1986 in resolution 8-86 concerning the Lower Willows realignment. Additionally, it is possible to cherry stem existing route/road alignments in Wilderness. I submit that since Bighorn Sheep are prey animals that prefer open areas with low growing vegetation, the abundant growth of riparian vegetation in the Canyon post road closure is likely to have serious impact on the Bighorn Sheep’s willingness to drink at the creek if they must go into or through dense vegetation to get to water.

Page 3-54

Guideline-CC 1c: states “Continue to manage Coyote Canyon as outlined in the Coyote Canyon Public Use Plan (1995) and as assessed in the Ecological Conditions in Coyote Canyon, Anza Borrego Desert State Park, and an Assessment of the Coyote Canyon Public Use Plan (2002).” We strongly object to the use of these documents to direct future management of this area. Both documents are fatally flawed. According the Legislative Opinion issued April 20, 2004 the Department of Parks and Recreation does not have the authority to close the 3.1 mile section of the Coyote Canyon Road. The Ecological Assessment Report of 2002 drew conclusions without setting critical baselines and excluded important input or key surveys from key recreational interests, such as, the four-wheel drive and equestrian communities as presented to Director Ruth Coleman on June 9, 2004 by Attorney David Hubbard.

Page 3-58

3.4 Future Planning Efforts; states, “There is a number of planning efforts that require detailed attention too specific for the overall planning efforts of this General Plan.” The whole point of preparing an Environmental Impact Report is to provide a detailed report of the projected impacts of site-specific planning actions; therefore, this General Plan/DEIR does not meet the minimum requirements for CEQA compliance. It cannot be approved as currently written. Each proposed future management planning effort must be identified and analyzed. They must be presented with a range of alternatives

see
15-119
to
15-132

for consideration as part of the public planning process. We refuse to accept this General Plan/DEIR. The level of analysis contained in the Environmental Analysis is woefully incomplete for a Park of this size; therefore, we cannot support in any way this Preliminary General Plan/ Draft Environmental Impact Report.

Thank you for the opportunity to review and comment on this document. We look forward to continuing to be a part of this very important process.

Thank-you for the opportunity to comment on this important Draft General Plan.

Sincerely,

John Stewart

Director of Environmental Affairs -- United Four Wheel Drive Associations AND
Natural Resource Consultant -- California Association of 4 Wheel Drive Clubs

#17-1 Please see Response #6-2. The areas California State Parks (CSP) proposes to designate as State Wilderness currently do not contain designated roads so there is no recreational impact to existing legal vehicular use. There would be potential loss of recreational opportunity should a road be closed in the future to protect sensitive resources and that has been addressed in Section 4.5.3.7. Please also note that there are many letters from the public in support of adding additional State Wilderness.

#17-2 This comment is not within the purview of CEQA and the analysis of significant environmental impacts. Whether or not CSP has complied with deed restrictions or stipulations of previous landowners is a legal matter separate from CEQA compliance. Additionally, the route is still open for public use seasonally.



September 10, 2004

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Re: Comments on the Anza Borrego Desert State Park Preliminary General Plan and Environmental Impact Report Sch# 2002021060

Dear Ms. Robinson:

On behalf of the CORVA BOD, our membership and the diverse recreation community we represent, I respectfully submit these comments.

17-1

Our community has witnessed the gradual erosion of recreational opportunities and access of ABDSP which is further exasperated by the Parks preferred plan that is seeking approximately 60,000 additional acres of Wilderness designation. As noted on page 2-92 under *Wilderness*, ABDSP already has 404,000 acres of land currently classified as Wilderness within the park. Isn't this already excessive? An additional 60,000 acres is unwarranted and not necessary. Consider renaming the park to Anza Borrego Desert State Wilderness or Preserve.

17-2

Through various Public Record Act (PRA) requests CORVA has discovered that ABDSP has acquired well over 600 parcels and properties since its inception commonly referred to as acquisitions.

Our first indication of Parks failure to comply with stipulations of previous landowners was two footnotes on Parks own acquisitions Maps #19 & 21:

Map 19's footnote: "The public has the right to use De Anza Trail. See Policy T.I. for 138."

Map 21's footnote: "The public has the right to use De Anza Trail. See Policy for 138."

138 is acquisition parcel number 138, recorded 1/12/76, which belonged to A.A. Burnard III. Upon transfer of this parcel its title insurance (T.I.) reserves certain rights to the public. This parcel contains sections closed of Coyote Canyon Rd. in 1987. The T.I.

"Dedicated to protecting our lands for the people, not from the people."

#17-3 Please see Response # 17-2. CSP acknowledges that the 1975 BLM document addresses management of the Coyote Canyon Area. However, the area was transferred to CSP management and the documents are nearly 30 years old. Management issues change over time because the environment is dynamic, the applicable laws may change, and management directives differ between agencies. The entire length of Coyote Canyon remains open to the public eight months of the year. There is a dedicated trail thru the canyon, open to mountain bikes, equestrians, and hikers, along the former jeep trail. Though a segment of Coyote Canyon is closed to motorized vehicles, the majority of the route remains accessible to vehicles. Additionally, neither the County of San Diego nor Riverside County has asserted rights for a County Road within Coyote Canyon as part of the public review process for the General Plan.

17-2
(cont'd)

contains in part II, reference #2: ‘A right of way in favor of the public over any portion of said land included in lawfully established roads.’”

Reference #3: “Right of the public to use that portion of said land lying within the De Anza and Santa Catarina Trail.”

Note: The Coyote Canyon Public Use Plan (CCPUP) of 1995 violated the public’s rights with the restriction to day use only of this parcel.

Acquisition # 3 dated 5/7/34 belonging to George W. Marston contains the following reserved rights in schedule B, page 3 of the T.I., item #6,”A Right-Of-Way of lawful width containing any and all existing and lawfully established county roads, as reserved in the deed from the Southern Pacific Land Company...”

Note: This acquisition parcel contains approximately 1 mile of closed Coyote Canyon (CC) Rd. The Southern Closure Gate is located on this parcel.

Acquisition #131 dated 8/4/75 from the BLM. Contains on page 2 of Park’s Plan of Development and Management states:

“The primary use of the land would be for the public enjoyment of the desert features. Recreation uses would include hiking, horse back riding, primitive camping, picnicking, off highway vehicle use on unimproved roads...”

On page 3 under proposed primitive facilities in Upper Coyote Canyon, item number 5 states:

17-3

“Upper Willows – There is a double corral and lateral water well. This would be ideal for a primitive camp for Off Highway Vehicle Users and as a horse camp.”

Under existing recreation facilities states: “The existing road from Anza Valley and the unimproved road along Table Mountain, which descends into CC and to Borrego Valley to the south. It is thought that the Table Mountain Rd. would be left in a primitive condition and be utilized by four-wheel drive vehicles. The flash floods in the area often times change the course of this road drastically.”

In the BLM Environmental Analysis Report (EAR) of Park’s Plan of Development and Management, on page 21 it stated under Anticipated Impacts of Alternative #2: “The CC Rd. remains open to limited access so hikers, campers, etc will be able to go to Terwillger Valley on a circle trip through the park.”

On page 22 of the same document under suggested mitigation measures it states: “(A) The CC Rd. should be kept open and maintained to allow recreation users of various types to drive through the ABDSP on a series of scenic trips from north to south.”

In the same document under Land Report Title on the 2nd page is stated: “Land Status Record indicates the following conflict and matters of record.

#17-4 This comment is not within the purview of CEQA and the analysis of significant environmental impacts. The Legislative Opinion as provided by Barbara Ferguson in Comment Letter 18 states:

“The Department of Parks and Recreation is given no authority to close or vacate with respect to those highways that cross state park land, unless a city or county relinquishes that authority to the Department of Parks and Recreation pursuant to Section 5152 of the Public Resources Code. Thus, it is our view that, absent such a relinquishment of city or county jurisdiction, if applicable, the Department of Parks and Recreation may not close a highway or a portion thereof that crosses state park land.”

CSP disagrees that the former jeep trail through Coyote Canyon could be considered a highway. Please see Responses #2-2 and 6-11.

#17-5. Neither the County of San Diego nor Riverside County has asserted rights for a County Road within Coyote Canyon as part of the public review process for the General Plan.

#17-6 This comment is substantially similar to the comment in 15-5. Please see Responses #6-11, 15-5, 15-5 and 15-7.

(1) Application R3557.

(a) Classified for multiple use management, act of 9/19/64, R2637-A, dated 1/6/69.

17-3
(cont'd)

The patent language contains a right-of-way reserved to the USA for a section of CC Rd.

Note: These parcels contained the northern closure gate, approximately 1 mile of closed section of CC Rd. and sections closed to over night use. If the BLM stipulations are not met the land may revert back to the BLM as stated in their patent. These parcels contain lands that the ABDSP GP/EIR is proposing in its Preferred Alternative for Wilderness

Designation.

In 1995 Parks trampled upon the above reserved rights with its implementation of the CCPUP.

On March 9, 2004 State Senator Bill Morrow requested an opinion from the State Legislatures Legislative Council on CC Rd. meeting the qualifications of RS2477 status and Park's actions in closing the 3.1 mile section of CC Rd. with their 1995 CCPUP.

17-4

The Legislative Council's opinion dated April 20, 2004 stated:

- 1) That CC Rd. is likely is entitled to RS2477 protection.
- 2) That Parks did not have the legal authority to close public roads, including and especially RS2477 roads
- 3) If Parks had the authority to close public roads, such closures cannot be made to promote environmental protection.

Legislative Council found that Parks wrongfully closed the 3.1 mile section of CC Rd.

The EIR has failed in that it never discussed this in the EIR.

17-5

Note: Riverside, Imperial and San Diego County Board of Supervisors have made RS2477 Right-Of-Way assertions. None of the counties have abandoned its routes that are within ABDSP. Imperial and San Diego counties passed resolutions in opposition to the 1995 CCPUP trail closure.

Parks used the July 2002 Ecological Conditions in Coyote Canyon, Anza-Borrego Desert State Park: An assessment of the Coyote Canyon Public Use Plan, to justify the 1995 CCPUP that it implemented.

17-6

At the request of CORVA, Environmental Attorney David P. Hubbard was asked to analyze the July 2002 report. Mr. Hubbard's 8-page comment letter was sent to DPR Director Ruth Coleman on June 9, 2004.

The Executive Summary of Hubbard's letter to Coleman states: "The assessment makes no effort to isolate the impacts of the OHV closure from other management actions that were also implemented at the same time to improve the ecology of Coyote Canyon. For example, the assessment suggests that road closure has encouraged the return of native

#17-7 There are no planned road closures, therefore mountain bikes will continue to be allowed where they are currently used, and horses will continue to be encouraged to use the current road system as well as those trails which may be created by the Trails Management Plan in the future. There are no roads currently opened to vehicles (including Coyote Canyon) that would be slated for closure by designation of State Wilderness. Please also see Response #6-4.

17-6
(cont'd) | vegetation to the canyon, even though DPR's Tamarisk removal program likely contributed as much or more to this positive result.

Same as
15-5 | Second, the assessment lacks adequate pre-closure data against which to compare post closure conditions. As a result, the assessment is not based on replicated studies with a consistent base line, but on "snapshot" observations made years after the closure was implemented. These are not "data points" in the scientific sense, but mere descriptions of current conditions disguised as cause and effect conclusions. In most cases, pre and post closure monitoring studies, methodologies, data sets, and sample were not identical or reasonably similar, so they provide an improper basis for evaluating ecological responses to the closure order.

Same as
15-6 | Third, the assessment does not accurately measure the recreation value of Coyote Canyon, as it relies solely on data from two post-closure visitor surveys that were passed out to individuals as they entered the closure area. Because the canyon was already closed to OHV use when the survey was conducted, the survey necessarily failed to capture responses from OHV enthusiasts. As a result, the survey results are strongly biased in favor of visitors who do not value OHV use as highly as other forms of recreation. Therefore, the survey can not be used as a reliable measure of visitor preference. Any survey to determine the recreational value of Coyote Canyon must be designed to guarantee feedback from ALL user groups, not just those who are pre-disposed to favor a particular management action (eg: road closure) .

With this analysis, the July 2002 DPR Ecological Report used to justify the 1995 CCPUP is clearly defective.

Similar to
15-7 | Note: Just two years prior to the 1995 CCPUP, Coyote Canyon was hit with the catastrophic storm of 1993. This storm literally stripped most vegetation from the Coyote Creek drainage. The extensive damage was just beginning to bounce back in 1995. Therefore it was expected that the creek bottom would come back especially with the rich deposits of topsoil brought forth by the storm of 1993. Therefore the increase of vegetation between the 1995 CCPUP and the 2002 Ecological Report, which noted the re-growth, was in an era where modern man could witness a natural recurring cycle that has been going on for thousands of years.

Extrapolating that the elimination OHV vehicles as a result of the implementation of the 1995 CCPUP with the recurring health of the area is extremely thin at best.

17-7 | The excessive amount of Wilderness creates a disparity in recreation that caters to a small segment of recreationists who are that physically fit. Those that have vehicular requirements such as the young, old and those who are physically challenged or impaired will be shunned from visiting and enjoying two-thirds of the park. Wilderness does not allow cross-country travel for equestrians and those who recreate with mountain bikes. Wilderness is devoid of roads.

#17-8 Please see Response # 6-9.

#17-9 Please see Response # 6-10.

#17-10 CSP respectfully disagrees. Please see Responses # 15-13 and 15-14.

#17-11 The Bailey's cabin and associated structures such as the corral will not be designated in State Wilderness.

#17-12 Please see Response #15-9.

- 17-7
(cont'd) The Plan cannot justify the need for additional Wilderness, nor does the Plan explain the loss of recreation with additional Wilderness or even offers mitigation with these ensuing losses or even addresses the economic impact to the surrounding communities. Without this criteria being met, the Plan is lacking and defective.
- 17-8 The Plans Mitigation measures RR1 & RR2 are both hollow and deficient. For instance RR1 is vague in that Parks states it will review in the future current and POTENTIAL recreational activities for consistency with various land use plans and to address POSSIBLE mitigation in the future. This is not adequate.
- 17-9 Mitigation RR2 is unclear as to what is the alternative recreational activities that will be compatible with resource protection in areas of the Park that it identifies that have sensitive natural and cultural resources. RR2 doesn't quantify what mitigation will be used to make of for the loss for traditional recreation and/or what may be the limitations on the so-called alternative recreation activities that it is yet to identify. This is deficient and inadequate.
- 17-10 As a matter of fact, this Plan document is heavily laden and influenced by assumptions and statements that lack any data, science or factual base. Within the first quarter of the Plan are 36 various assumptions such as:
- ...are thought to...appear to indicate...there is a perception...can be threatened...may have potentially...are potentially...may have...which may...may result...may contribute...may also...have the potential...the probable sighting...likely to be...may receive...potential threat...potential to occur...would likely have...potential to become...with the potential...
- When a plan depends so heavily on assumptions such as those stated above and many of these examples are liberally used repeatedly, it's obvious that this plan is lacking sound science and confirmed data. This signals a deficient and biased plan that is clearly indicative of a need for a complete revision from the beginning to end.
- 17-11 The largest suggested area for additional Wilderness designation would be the Will-ye-e Wilderness designation. There are Man-made intrusions in this area such as fencing, irrigation, roads and even structures that do not fit the criteria for Wilderness designation. As mentioned earlier with acquisition #131 from the BLM is the double corral and the lateral that is within the Will-ye-e Wilderness Designation area. Therefore the Will-ye-e Wilderness designation is not applicable with true Wilderness and should be removed from the plan.
- 17-12 In the May 4, 1994 State Park Commission, Statements of Policy has no mention of the new zoning designations as outlined in the ABDSP GP/EIR Plan document. What it does list is:
- (1) Wilderness, (2) State Reserves, (3) State Parks, (4) State Recreation Units, (5) Historical Units, (6) Natural Preserves, (7) Cultural Preserves, (8) State Beaches, (9) State Seashores, (10) Trails and, (11) Wayside Campgrounds.

#17-13 The feral horse rescue was performed after five of thirty-four feral horses died in a six month period, during the worst drought ever recorded in county history. Now the USGS states this is the worst drought recorded in the southwest in 500 years, and it is continuing. BLM had slated the feral herd for total removal on two occasions in its herd management plans in the 1980s, and reaffirmed this by stating the State Park had done its work by removing the horses. BLM made its final decision reaffirming the State Park's action in its letter of Sept. 2004. The feral horse herd removal was not a part of the GP process. The horses in South Dakota are doing extremely well, and despite popular misconception, did very well in their transfer in April 2003 to the Black Hills Wild Horse Sanctuary. Please see Response #15-51.

The Chandler, Brooks and Donahoe, Inc of Washington report is not relevant to assessment of significant environmental impacts of the General Plan/EIR under CEQA. Further, please see Section 3.3.1.9 of the General Plan.

17-12
(cont'd)

The ABDSP GP/EIR Plan creates a Proposed Focus Zone 1, Proposed Focus Zone 2, Backcountry Zone and a Natural/Cultural Preserve. Where did the Backcountry Zone come from and who has the authority to arbitrarily create these new zone designations.

We object to these proposed new zoning designations.

We object to the 2003 removal of the Wild Horse Herd of Coyote Canyon. Language in the 1995 CCPUP states that the herd was protected under the Wild Horse and Burro Act. The BLM has a Wild Horse and Burro program to adopt these animals and the local Back Country Horseman of Borrego Valley offered to adopt the animals. However ABDSP felt compelled to ship these animals out of state in mid-winter from a lower desert climate to a northern state where the temperate differential was approximately 50 degrees at the time. This was extremely hard on the mares foaling. ABDSP further wanted the animals sterilized. One can only imagine what fears the management of ABDSP faced in going to these extremes that required wasteful expenditure of taxpayer dollars versus a local and reasonable solution.

The fears associated with the Wild Horse removal go beyond the so-called competition for forage and water with the Bighorn Sheep.

Note: Mountain Lion predation and diseases are the primary causes for Bighorn decline in the ABDSP

17-13

Three years ago Chandler, Brooks and Donahoe, Inc of Washington were contracted by San Diego to conduct a thorough Tourism Marketing and Development Plan for Borrego Springs. Some of their findings were obtained from the business community of Borrego Springs and the Park it self. Here's a quote from page 48 of this report.

"Many local residents and businesses feel that Park staff would like fewer and fewer visitors – after all that would mean less work and less destruction of the park. Just the thought of additional signage directing people to Palm Canyon or to the Visitors Center evokes fear of trampled areas and far to many people and the demise of the Bighorn Sheep."

Being that the Wild Horse Herd of Coyote Canyon are the last such herd in Southern California, their presence would likely start receiving print in a matter of time in various publications and articles. The result would bring unwanted visitors to ABDSP. These visitors would require a fully accessible Coyote Canyon Rd and again make demands on ABDSP to maintain and fully open CC Rd. for vehicles to access the area where the Wild Horses can be viewed. Both the Wild Horse and CC Rd. issues are linked at the hip and would bring an increase of visitors and management that ABDSP is not comfortable with and contrary to their Wilderness agenda.

17-14

Under 3.4 Future Planning Efforts it states," There is a number of planning efforts that require attention too specific for the overall planning efforts for this General Plan. Funding and staffing limitations restrict what studies California State Parks is able to

#17-14 CSP respectfully disagrees. Please see Section P.1.2 of the General Plan/EIR. This section addresses the discussion of probable impacts in a first tier EIR. Section 3.4 simply reflects the reality of a limited state budget and park operations and discloses that priorities will be assigned for completion of the management planning efforts. The General Plan will steer the direction of the management plans through implementation of its Goals and Guidelines.

#17-15 Please see Response # 6-28.

immediately address subsequent to this General Plan and require that California State Parks set priorities.” This is unacceptable.

17-14
(cont'd)

Plans to be developed separately from the General Plan will be the Camping Management Plan, Roads Management Plan, Trails Management Plan, Cultural Resources Management Plan, Natural Resources Management Plan, Interpretive Management Plan and the Facilities Management Plan.

How can the General Plan be approved without these critical components that are necessary to shape and steer the Plan? Until these plans are fully developed and evaluated prior to the GP/EIR, this General Plan is deficient and incomplete. It’s premature for the General Plan to propose any Alternative or Preferred Plan without these seven management plans.

17-15

Conclusion: The proposed ABDSP General Plan Sch #2002021060 is deficient and incomplete. Therefore CORVA’s recommendation at this time is No Project until all issues are addressed and a revised Plan is sent out for another round of public review and comment.

Sincerely,

Jim Arbogast, Southern Regional Director

Cc: Governor Arnold Schwarzenner
Michael Chrisman, Sec. Of Resources
Ruth Coleman, DPR Director.
Senator Bill Morrow
Senator Dennis Hollingsworth
Senator Denise Moreno Ducheny
Senator Jim Battin
Assembly Member John Benoit
Assembly Member Bonnie Garcia
Assembly Member Ray Haynes
Assembly Member Jay La Suer
Attorney David Hubbard
Pete Conaty, CLORV Exec. Dir.
CORVA BOD

#18-1 On a routine basis, the park management team is responsible for making decisions that are in the best interests of the park, consistent with the Department's Mission and the park's Classification. Thus, there will occasionally be road and trail closures when the Park Superintendent finds that closure is warranted for public safety or resource protection. Such management actions are a part of responsible stewardship that must occur even in those circumstances where there is not yet a general plan. Once a Management Plan is completed, the park management team will follow the direction of that plan.

BACKCOUNTRY HORSEMEN OF CALIFORNIA

Barbara J. Ferguson
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September 13, 2004

Sent Via Fax 619 220 5400 & email: enviro@park.ca.gov

Ms. Tina Robinson
Environmental Coordinator
Southern Service Center
California Department of Parks & Recreation
8885 Rio San Diego Drive
San Diego, CA 92108

Regarding: Comments on the Anza-Borrego Desert State Park Preliminary General Plan
& Draft Environmental Impact Report Sch # 2002021060

Dear Madam;

By way of background, the Backcountry Horsemen of California (BCHC) is a state-wide organization of over 4,000 members whose purpose is to improve and promote the use, care and development of California backcountry trails, campsites, streams and meadows and to keep the backcountry trails and forage areas open to horsemen on all public lands. We also have extensive educational programs and literature for our membership and the public on good trail manners and wise use of public lands. Our organization contributes significant labor to trail maintenance and other volunteer efforts on both federal and state public lands on an annual basis.

We have not changed our “qualified support” of Alternative 2 as outlined in our original comments submitted March 17, 2003 and incorporated here by reference.

After careful review of this latest version we have the following comments and concerns:

18-1

1. Pg P-4 P.1.2 Tiered CEQA Analysis – The last paragraph states that a focused management plan for Roads and Trails will be prepared subsequent to adoption of the General Plan and *“These management plans will propose the activities to be carried out, and will require CEQA compliance and public review as a part of their approval.”*

18-2 The California Code of Regulations, used in California State Parks, states clearly that horses are allowed on designated trails and areas so designated by the District Superintendent. The one equestrian citation issued in the last decade was given to a rider who had been personally warned on numerous occasions by State Park Rangers and even the park superintendent. The rider was cited in Borrego Palm Canyon, just yards from a regulatory sign stating horses were not allowed. The rider was also conducting a commercial horseback tour in the park without a concessions permit, which she had also been warned about. Numerous trails are going to be proposed for construction and use by equestrians in the upcoming Trails Management Plan.

Please also see Responses # 6-16 & 15-53. The sensitivity of desert soils, persistence of disturbance in xeric ecosystems, and the difficulty of desert ecosystem restoration are adequately established in the GP/EIR and Resource Inventory as substantial evidence. CSP respectfully requests that the same type of substantial evidence be submitted to show that horses (and other recreational uses) are not damaging these fragile resources, so that decision makers can evaluate both sides of the issue.

18-3 Thank you for the correction. The statement “a substantial volume of” will be eliminated in the Final General Plan.

18-4 Please see Responses # 6-16, 18-2, 15-104, 15-109, 15-110. One of the purposes of the General Plan is to identify *potential* sources of adverse impacts to the Park’s resources and provide broad goals and guidelines to address such issues. The GP/EIR as a program level document allows for dynamic planning in the future. Please note that Goal Data 1 requires that future land management decisions be based on sound scientific data.

18-5 Please see Response # 15-51.

18-1
(cont'd)

The Park has closed roads and trails to equestrians in advance of the proposed management plan, CEQA compliance or public review. You will find attached pictures just some of the closures in the ABDSP.

We request a complete review of Park policies on road and trail closures to clarify the justification for these closures prior to the stated need for a management plan, CEQA compliance and public review.

18-2

The Preliminary General Plan states that equestrians are restricted to all roads and designated trails and the Park has ticketed an equestrian riding in a wash (see attached photo). However, there is no data to support this management decision other than citing studies done elsewhere and statements such as "...taking horses off designated roads and trails causes significant resource damage." (Page 2-106) Given that no data is given as to the number of equestrians using the park (**through our review of the Plan, only 3/10th of a percent (0.3%) of the annual visitation is equestrian use, that is just 2,000 equestrians annually in a 600,000 + acre park**) or the length of stay, and no data is given as to the "significant resource damage", to ban cross country use by equestrians is prejudicial and discriminatory against an historic user of the Park.

If the Park intuites ("Of the Park's many habitats, its desert washes and terraces are among the most heavily used by the variety of visitors that frequent the Park. Highway-legal vehicles, equestrians, mountain bikes, hikers and campers are common in many washes. The long-term effect of this recreation on soil stability, vegetation, and wildlife communities is largely unknown." Page 2-36) that cross country travel by equestrians should be banned then it is the Parks responsibility to gather the data, evaluate the resource issues and proceed with the full CEQA process to propose the elimination of this historic right of use.

18-3

2. Pg 2-26 – A correction to text previously noted was not carried through to this vision. The sentence beginning with "Consisting largely of..." the phrase "a substantial volume of" needs to be removed.

18-4

3. Pg 2-43, last paragraph. It is inappropriate to cite studies NOT done in the ABDSP of the adverse effects of equestrian activities. Chapter 2 is titled "*Existing Conditions and Issues*" and the Plan should address just those, not define conditions and issues based on studies situated elsewhere or that some effect MAY happen. Example: "Roads, equestrian and bike trails, and foot traffic *may* erode this habitat." Further, equestrian use in ABDSP is estimated at 3/10th of a percent (0.3%) and NO data is provided that shows how much horse feed is brought into the Park. Finally, the worst vector for the spread of invasive plants has been shown to be State and Local road work crews, not equestrians.

18-5

4. Pg 2-60 – The Park has ignored the historical and cultural significance of the wild horses in Coyote Canyon. The Park as acknowledged the importance of these wild horses to the viewing public "A unique character of large mammals, and especially the Bighorn Sheep, feral Horse, and Mountain Lion, the extent to which they stimulate public

18-6 Please see Responses # 2-2, 6-11, 17-3, 17-4, and 17-5.

18-7 Please see Response # 2-6. In a park with over 600,000 acres, visitor counts, particularly outside of the Park visitor center and horse camp area are not fully identifiable. This is recognized for all user groups, including equestrians. Recent park management does not charge for entrance to the Park at any of the paved entrances or for camping in unimproved areas. Therefore, data retrieved at the Visitor Center, Borrego Palm Canyon Campground, and Horse Camp is the most accurate. Park visitor attendance numbers also include users that may not utilize the parking lot such as guests from nearby resorts, Borrego Springs, or tour groups. The park rangers take visitor counts and develop conversion factors but these are estimates and not comparable to the more accurate counts from smaller parks with entrance stations.

interest. Possibly, more so than any other animal grouping, large mammals contribute an element of social complexity to Park management.”, Pg 2-42.

18-5
(cont'd)

The record should be clear that these horses inhabited not only the 100,000 acre watershed in Coyote Canyon and also used adjoining Federal BLM lands and private lands, they were protected by the Federal government under federal law, they have survived as a stable herd for 100 years through many worse drought conditions than the summer of 2002, the pictures of this herd taken in March 2003 clearly showed a healthy herd and showed this herds adaptability to their desert environment. Unfortunately, important legislation which would have mandated the return of the Coyote Canyon wild horse herd (SB1294), failed to get to a floor vote on a strictly partisan vote. I have attached my prepared testimony for SB1294 which clearly states the importance of the wild horse herd to the ABDSP and gives a chronology of events leading up to the herd's removal.

5. Pg 2-72 – “The extent of conveyance and any reservation of rights for access from the land swaps and exchanges of the 1940s and 1950s (which are now referred to as “deeds”) have been reviewed by the California State Parks legal office.”

This statement implies that all is well regarding rights of access in the Park and is disingenuous given that the State of California Legal Counsel issued an opinion, COYOTE CANYON ROAD CLOSURE #6404, on April 20, 2004 that:

18-6

“The Department of Parks and Recreation is given no authority to close or vacate with respect to those highways that cross state park land, unless a city or county relinquishes that authority to the Department of Parks and Recreation pursuant to Section 5 1 52 of the Public Resources Code. Thus, it is our view that, absent such a relinquishment of city or county jurisdiction, if applicable, the Department of Parks and Recreation may not close a highway or a portion thereof that crosses state park land.”

Any decision to finalize the General Plan needs to be delayed until this issue is resolved.

6. Page 2-88, Section 2.2.7.2 Visitor Information – The recording of visitors to the Park needs to be a clearly defined protocol and not an ad hoc method. The Park visitation numbers cited are problematic at best. The parking capacity for the Visitor Center is about 78 vehicles. The monthly visitor attendance sheets for the November through April months show visitation that clearly exceed the parking capacity, even assuming an hourly turn over in vehicles.

18-7

March 2003 reported 37,081 visitors to the Center. That's approximately 1200 visitors daily. The Park assumes 4 persons per vehicle (which seems very unlikely); this means that 300 vehicles parked each day March. Or the capacity of the parking lot turned over and filled 3.8 times each day.

We have had discussion with many Borrego Springs residents who frequent the Visitor Center and they report to never seeing the parking lot full during the peak visitation months.

#18-8 CSP respectfully disagrees. During the public meetings, many members of the public expressed an interest in preserving the landscape and scenery of ABDSP. Changes wrought by natural events would not affect the Park's pristine condition and the General Plan strives to reduce new adverse affects that would be manmade. Many areas within the Park do have "purity of its original state" – and the Park is world renowned for that state.

#18-9 The statement was added to clarify that although such a use would be available for those with disabilities, CSP will not be providing horses for accessibility on remote trails. Such horses or mules would need to be provided by a concessionaire. CSP does routinely provide equal services for accessibility in its facilities.

#18-10 CSP believes that if utilities are to cross through the park, with regards to the Mission statement of State Parks, it is in the public's best interest to have those utilities confined to the existing highway and State Route system, or at the very least, to not bisect a remnant portion of land still containing wilderness values. Please also see Response #6-21.

#18-11 CSP respectfully disagrees. Please see Response # 17-14.

#18-12 Please see Response # 2A-1. Unless specifically stated, the letter was determined to have no opinion, regardless of the overall sentiment of the letter. Many letters with substantive comments did not list an opinion in favor or against the project for the 2003 circulation. However, each letter was available for public review in full, which allowed both the public and decision-makers full access to all public comment. Perhaps because of the summary in Section 4.6, the majority of the letters submitted for review during the July 2004 circulation, clearly state a position either in favor of or opposed to the General Plan.

- 18-7
(cont'd) If the Park is basing their future resource protection needs on these visitor numbers then the methodology for recording visitation needs to be based on a consistent method for collecting visitation numbers.
7. Pg 3-6 & 7 Park Mission Statement & Vision Statement – “to preserve the landscape and scenery of the Park in a pristine condition” and “The vast landscape and scenery are preserved in a pristine condition.”
- 18-8 The use of the word “pristine” is at best an oxymoron. The ABDSP has an extensive history of use by Native Americans and Europeans and currently, by the Parks estimation, over 500,000 visitors annually over many decades. According to Webster, the definition of pristine is “having the purity of its original state.” It is impossible to preserve the Park in its original state nor is this a reasonable goal. We are not talking about a book which can be saved in its original or “pristine” state by enclosing it in a glass case with temperature controls. It clearly is reasonable to expect changes in the landscape and the scenery of the Park either through natural events or through use.
8. Page 3-14 Backcountry Zone Activities & Pg 3-17 Wilderness Zone Activities – “Horseback riding would allow for a portion of this population to experience the Backcountry Zone on trails provided that they were capable of providing or obtaining horses and any necessary assistance mounting.”
- 18-9 This is a very strange statement. Of course, horseback riding activities implies that one has a horse and can get on it! I do not know of anyone who would haul a horse to anywhere and assume that someone would be there to help them get in the saddle. These supercilious statements need to be removed.
9. Pg 3-15 Wilderness Zone – To propose new wilderness designations in order to protect these areas from man-made features such as “utility corridors” is to propose a level of protection with out sufficient economic analysis of the impact of these exclusions. Regardless of this issue, Backcountry Zoning allows a higher level of user participation than Wilderness with many of the same restrictions. Backcountry Zoning also allows for more effective wildfire suppression. Given these factors, more Backcountry Zoning is appropriate, not less.
- 18-10
10. Pg 3-18 Data Driven Management Decisions – We fully support land management actions passed on sound scientific data. As we suggested above, the Park has made management decisions without data to support management decisions and these actions need to be re-examined and rectified.
- 18-11
11. Pg 4-22 – The review of the comments received on the January 2003 Preliminary General Plan has significant factual errors. Under “No Position”, the San Diego Unit, Backcountry Horsemen of California their comments indicate no support for the Preferred Alternative or any other Alternative without the requested changes. The California Equestrian Trail and Lands Coalition (first letter) dated February 19, 2003 was only a request for a time extension to the comment period, not a “No Position” statement.
- 18-12

#18-12-cont. CSP respectfully disagrees that “the reviewers do not care about the comments received.” CSP is required to provide objective, substantive responses to comments under the CEQA Guidelines and may not indicate a position when no position is clearly stated in the letter. CSP is required to provide a summary of the responses and has done so for the July 2004 recirculation in Section 4.6, July 2004 Public Comment Matrix.

18-12
(cont'd)

Under “Do Not Support Preferred Plan”, the Backcountry Horsemen of California and California Equestrian Trail and Lands Coalition clearly did not support the Preferred Plan. Under “Support Alternative 2”, the Backcountry Horsemen of California’s (listed as Barbara Ferguson (Vice president, Public Lands) with no organizational affiliation) position was a qualified support for Alternative 2 with extensive comments and suggested changes. The same “qualified support” for Alternative 2 is true of the California Equestrian Trail and Lands Coalition.

This rather sloppy and skewed representation of the comments received on the January 2003 version of the Plan confirms that the reviewers do not care about the comments received when the clear intent of those who comment cannot be represented accurately.

Sincerely,

Barbara J. Ferguson
Vice President, Public Lands
BCHC

Attachments

Cc: John Keyes, President, BCHC
Senator Bill Morrow
Ruth Coleman, Director, California State Parks
Mike Chrisman, Resources Secretary
Governor Arnold Swartzenegger

April 11, 2004

SB 1294 Testimony

Barbara J. Ferguson

The Coyote Canyon Wild Horse Herd is a social, cultural and historical asset of the Anza-Borrego Desert State Park (ABDSP). This wild horse herd provides for the animal diversity that park visitors want to see. Many people are thrilled to see large mammals in a park setting, especially wild horses that represent a valued reminder of our pioneering past.

The Preliminary General Plan for the ABDSP acknowledges these attributes, and I quote: “A unique character of large animals, and especially the bighorn sheep, feral horse and mountain lion, is the extent to which they stimulate public interest. Possibly, more so than any other animal grouping, large mammals contribute an element of social complexity to Park management.”¹

State Parks has referred to the Coyote Canyon Wild Horse Herd as “feral” which is defined by Webster as “savage”, “wild” or “escaped from domestication and become wild.” There is no question that these horses did escape from ranches nearly a century ago. They clearly are not different than other “escaped” domestic horses whether the centuries old Spanish Barbs in Oregon or other escaped “ranch” horses that have formed wild horse herds over the centuries.

Staff commented that the federal law protects only wild horses descendant from Spanish horses brought to America centuries ago. This is not true. All wild and free-roaming horses existing at the time legislation was passed in 1971 were to be protected where they were presently found as an integral part of the natural system of public lands.

Why was the wild horse herd removed?

State Parks viewed this herd as an “exotic species”, not native to Coyote Canyon. They initiated the first study of the wild horse herd in 2002. The concerns were potential impacts to endangered species including bighorn sheep and least Bell’s vireo, water quality, riparian plant communities and archeological sites.

After just 30 days of observation that resulted in horses observed on 19 days, the researchers reported that, “Several feral horses in Coyote Canyon are in fair to poor physical condition.”² And “While some horses had adequate body weight, shiny haircoats, and appeared to be in good overall condition, several horses were severely underweight.” “Preliminary visual health assessments of these horses (via photographs)...confirmed that the health and welfare of this horse population is of concern.”³

The pictures taken by researchers August 2002 do show lactating mares and foals that are clearly under weight. BLM wild horse experts have confirmed to me that lactating mares and their

¹ *Anza-Borrego Desert State Park Preliminary General Plan*, January 2003, page 2-24.

² *Final Draft, January 2003 Project Report: Coyote Canyon Feral Horse Study*; Ostermann, Stacey and Boyce, Walter, page 1.

³ *Ibid*, page 8.

young in other wild horse herds in desert environments do show signs of stress during either very hot or very cold seasons. However, the ability of these animals to adapt and survive these conditions is a true testament to their adaptability and uniqueness. Please look at **Exhibit A** which shows pictures of the wild horses on March 18, 2003 and show the remarkable recovery ability of these horses in just a short period of time.

Of more significance is that the January 2003 report states that “some” horses were underweight; however, the final report states “During the summer of 2002, the feral horses were observed in poor condition. Many were seen with protruding rib, spine and hip bones.”⁴ What is the significance of the change from “some” to “many?”

This horse herd had never been studied prior to 2002. With only one summer season of observations, the Park concluded that an emergency removal was necessary due to the drought-induced poor physical condition of the herd. This herd has remained stable over a long period of time through many worse drought conditions than the summer of 2002. Clearly the age distribution of the herd, with 62% of the herd 5 years or older, indicates the stability of this herd which has never been managed. I would add that 5 of these horses were over 25 years of age, another clear indication of the ability of horses to adapt to their desert environment.

Of major concern of the Park was the possible competition for water between the wild horse herd and the bighorn sheep. The summer of 2002 field observations showed NO direct competition between this horse herd and bighorn sheep for water.⁵

During the summer of 2003, the researches picketed domestic horses to evaluate possible “indirect interference competition.” There was no significant difference as to how many bighorn watered or watering times between non-horse and horse days. The only significant difference was WHERE bighorn watered. Clearly, the wild horses and the bighorn sheep can occupy the same habitat without a deleterious affect on either.

The final report opined that because horses frequented and spent more time at Upper Willows and the bighorn sheep did not, that the bighorn were avoiding areas where horses were present.⁶ A more reasonable explanation is that Upper Willows topography is significantly different than the other two watering areas. In order to access water at Upper Willows, bighorn must cross a significant flat area of about .20 of a mile, whereas at Middle and Low Willows, the topography is very steep and a more natural environment for the bighorn. See **Exhibits B and C** which are topo maps of Upper Willows to Middle Willows and Middle Willows to Lower Willows and illustrate my point. Another reason may be that the Upper Willows area is the very north-western boundary of the bighorn sheep habitat. See **Exhibit D** which is a display of the critical habitat for bighorn sheep and the habitat of the wild horse herd in the ABDSP.

⁴ Feral Horses in Coyote Canyon, Anza Borrego Desert State Park, Final Report for Interagency Agreement #920-99-00237, UC Davis Wildlife Health Center, page 3.

⁵ *Final Draft, January 2003 Project Report: Coyote Canyon Feral Horse Study*; Ostermann, Stacey and Boyce, Walter, page 7.

⁶ Feral Horses in Coyote Canyon, Anza Borrego Desert State Park, Final Report for Interagency Agreement #920-99-00237, UC Davis Wildlife Health Center, page 1.

There was concern about the possible adverse impact of horse feces near Upper Willows. The final report states “Plant diversity was actually higher near trails and manure, and the presence of trails and manure did not increase the presence of non-native vegetation.”⁷ I guess fertilizer works no matter where it’s put.

There was a concern about the impact of the wild horses on the least Bell’s vireo. According to the report produced by Ostermann and Boyce in July 2002, while the horses were still in Coyote Canyon, “Vegetation monitoring and annual bird survey indicated that the status of least Bell’s vireo and their habitat in Coyote Canyon both improved.”⁸

Your Staff Report states that five horses died prior to the removal effort. The wild horse herd often ranged outside of the ABDSP into the Anza area on BLM land. We have testimonials from individuals who have seen wild horses in this area after the March 2003 round up. My visit in May 2003 to the BLM parcels in Anza showed many horse tracks, including tracks of very young horses, in the wash areas. See **Exhibits E and F** which are photos taken by me in May 2003.

Your Staff Report indicates it is not clear that a herd of horses can sustain itself in Coyote Canyon without human intervention. The century that this horse herd has been in Coyote Canyon, the self-limiting size of the herd and the stability of the herd without any management is a testament to the ability of this herd to sustain itself in Coyote Canyon.

Equestrians in the ABDSP area have offered many times to assist State Parks in the management of this herd. In March 2003, BLM expressed interest in a joint management plan with State Parks and equestrians. We presented State Parks with a proposed management plan, which would establish a Foundation that would assist in the management of the Coyote Canyon Wild Horse Herd. BLM has taken over jurisdiction of the Coyote Canyon Wild Horse Herd, both the studs in Ridgecrest and the mares and yearlings in South Dakota.

I want to thank both the Senate and the Assembly for their unanimous support of Assemblyman Joe Nation’s resolution that designated December 13, 2003 as the DAY OF THE HORSE. This resolution recognized that “Horses are a vital part of our collective experience and, as such, deserve our protection and compassion...”

I have talked to many people about the ABDSP and everyone has expressed delight in viewing the wild horses. Indeed, the ABDSP is one of the few places in California that the public can actually see wild horses in their native habitat. What greater complement to a Park than to have people take pictures of what they like best about the Park that are proudly distributed to friends as shown by **Exhibit G**. This wild horse herd was an asset to the Park and they can be an asset again.

We ask the Committee to look favorably on this important legislation to allow for the restoration of the Coyote Canyon Wild Horse Herd to its native range.

⁷ Ibid, page 1

⁸ *Ecological Conditions in Coyote Canyon, Anza-Borrego Desert State Park: An Assessment of the Coyote Canyon Public Use Plan*, Ostermann, Stacey and Boyce, Walter, July 2002, page 3.



Bow Willow Canyon Closure

BCHC Page 10

California State Park Response: Photo 10 This area is not currently designated for horses. Suggested for equestrian access by Trails Assessment Team.



Grapevine Canyon Road Closure CRHT

Route to Bitter Springs, with developed spring
& water trough

BCHC Page 11

California State Park Response: Photo 11 Not currently authorized by the District Superintendent for horse use. Suggested for equestrian access by Trails Assessment Team



Historic Mormon Battalion Trail Closed to Horses

BCHC Page 12

California State Parks Response: Photo 12 This is the Box Canyon route of the Butterfield Stage Route, the Mormon Battalion Trail, and the CA Riding and Hiking Trail. It is open to horses and as far as is known, always has been.



ABDSP Trail Closure CRHT

BCHC Page 13

California State Parks Response: Photo 13 Unidentified location.



Mormon Battalion Trail Closure (4.2000)

BCHC Page 14

California State Parks Response: Photo P. 14 "Mormon Battalion Trail" This appears to be the 150-yd track that begins at Hwy S-2 and loops 150 yds and returns to S-2. This trail goes nowhere and was never authorized for horses.



Dr. Sandra Thorpe ticketed for riding in wash

BCHC page 15

California State Parks Response: Photo P. 16 This trail is posted "No Horses". Park staff discussed issues with Sandra Thorpe numerous times, but she violated the regulations by entering an area not open to horses, and conducting non-permitted tours for hire in ABDSP. Park staff offered her applications for official State Park Concession Agreement at least twice, but she did not pursue legal permits. After at least four or five verbal warnings by rangers and the Park Superintendent, Dr. Thorpe was issued a citation. "Riding in Wash" photo is actually the entrance to Borrego Palm Canyon Campground.

#19-1 California State Parks (CSP) is required to comply with CEQA and other environmental regulations. Closure of volunteer or non-designated trails is within the purview of the Park Superintendent as part of park operations to ensure the protection of the Park's resources and operational requirements. Any closure or rerouting of a designated trail would be subject to CEQA compliance. Currently, CSP is in the initial planning stages of a Trail Management Plan and utilizes stakeholders from interested organizations to assist with the plan's development.

#19-2 This General Plan does not propose the elimination of any existing equestrian use.

#19-3 Equestrians are not restricted from State Wilderness. The Trails Management Plan has not been "adopted de facto." It is not even in completed draft form as of December, 2004. Representatives from several equestrian organizations were represented on the Trails Assessment Team. The current Park administration is not "anti-equestrian." In fact, the current Park Superintendent owns ten quarter (AQHA) horses. The Trails Assessment Team has recommended many new horse trails within State Wilderness in ABDSP.

Attention: Environmental Coordinator; Tina Robinson, CEQA Coordinator
California Department of Parks & Recreation; Southern Service Center
8885 Rio San Diego, Suite 270
San Diego, CA 92108

Re: Draft Environmental Impact Report (DEIR) Anza-Borrego Desert State Park

To whom it may concern:

I make the comments contained in this letter on behalf the following equestrian groups: Backcountry Horsemen of California, Antelope Valley Unit, where I am the Vice President of Public Lands; Equestrian Trails, Inc., of which I am a representative in this instance; and Antelope Valley Trails, Recreation, and Environmental Council, of which I am the Legislative Advisor. The membership of these groups, combined, total over 5,000 equestrians. All of these citizens of the State of California have an interest in *preserving their historic right to ride on public lands, and preserving trails, trailheads, and campgrounds within Anza-Borrego Desert State Park.*

19-1 I am not going to comment on any particular alternative; the alternatives (and indeed, the idea of the General Plan) are moot in the face of the closure of trails to equestrians, without the implementation of the required CEQA public process, or indeed, any public input whatsoever. Instead, I will comment on passages found throughout the DEIR which require, in my view, rebuttal.

19-2 The DEIR purports to seek to preserve the "natural, cultural, and scenic resources" of Anza-Borrego Desert State Park. I certainly agree that these resources should be protected, but disagree that the defacto elimination of an historic and cultural use, horseback riding, would be at odds towards that purpose. Indeed, if Anza-Borrego, to this date, contains so many outstanding natural features, as the DEIR catalogs at great length, and by virtue of its being named as an International Biosphere Reserve, **then it is obvious that 500 years of equestrian use has not been detrimental to Anza-Borrego.** If you disagree with the foregoing, then state the scientific basis upon which you claim recreational horseback riding on historic trails has been detrimental to any resource since no evidence to support removal of this recreational activity has been included in the DEIR.

19-3 Despite the fact that the DEIR states, at page P-4, that focused management plans for camping, roads and trails, among other things, will be prepared subsequent to the adoption of the DEIR, a "trail management plan" has been adopted, de facto, already, without the proper public review and to the extreme detriment of equestrians by their unprecedented virtual elimination on all of the historic trails (with the only exception being the parts of the Pacific Crest Trail and the California Riding & Hiking Trail that traverse Anza-Borrego and which trails have been mandated by state proclamation as "riding trails"). In fact, no other state park in California has eliminated equestrians from all trails.

#19-4 Please refer to Table 5.6, the Management Zones Matrix on Page 5-16 which clearly states that equestrians are allowed in the Wilderness Zone. The Wilderness Zone uses were proposed specifically for ABDSP and are generally consistent with the allowable uses for the classification of State Wilderness under PRC 5019. The Wilderness Zone for the ABDSP restricts equestrians to designated trails and primitive camping areas and does not allow for cross-country travel in order to provide a higher level of protection to sensitive resources.

#19-5 The General Plan permits and even facilitates horseback riding in a majority of the park, with the exception of the small number of acres devoted to Cultural or Natural Preserves (see, for example, the Management Zones Matrix). Horseback riding, vehicles, and other modes of transportation may be excluded from selected segments of historic routes for a variety of reasons, including, a need to protect sensitive plant or animal habitat, a need to separate recreational activities, the closure of the Carrizo Impact Area, protection of certain sensitive cultural sites, etc. A 2000 study of the Southern Emigrant Trail and the Butterfield Overland Mail Route in the park concluded that “The best way to preserve an old road is to simply leave it alone.” That same study observed, for example, that a remnant section of the historic Plum Canyon Road has now been deeply gullied by modern-day riding and hiking activity. If equestrian, or other uses of historic routes pose a threat to historic and/or natural resources, an alternative, non-historic bypass route (which still offers the riders the same experience) may need to be selected. Please also see Responses #6-16, 15-88 and 15-94.

#19-6 The General Plan does not restrict equestrians from using trails in ABDSP except in the Cultural Preserve. Please refer to the Management Zones Matrix, as well as, the discussions Sections 2.2.7.3, 2.4.7, and 3.2.4, for more details on horseback riding in the park. Due to the destabilization of soils, there is a concern that repeated trail use by riders on horses will cause degradation of the loose, sandy soils of the park along with soil constituents (such as, plant material, cryptobiotic crusts, artifacts and other cultural remains, etc.).

Please also see Responses # 6-16 & 15-53. CSP agrees with the commenter regarding the importance of visitor education. CSPs interpretive program is focused on this. Please see Interpretation goals and guidelines (section 3.3.1.5).

19-4 Further, as the largest area of State Wilderness in California, and since the State's concept of wilderness was modeled after the federal government's definition of wilderness as defined by the landmark Wilderness Act of 1964 (which specifically protects equestrian recreation in wilderness areas), then the State's unjustified restriction of the historic use of horses and livestock in wilderness areas is manifestly unfair and arbitrary and appears to be set according to the tastes and preferences of the current anti-equestrian administrators. This form of recreation is not a "fashion" or a newfangled mode of transportation; horses are the very basis of our history, and particularly as it pertains to travels across wilderness and open areas. Please state the basis, scientific or otherwise, for the interpretation of State Wilderness that excludes equestrians.

19-5 Throughout the DEIR, the former activities of humans are described in detail, from mining to ranching to military uses, and yet now when none of these uses, which defined the character of Anza-Borrego in its recent history, are still existing, equestrians are only recently being perceived as a threat to the environment or ecology of the park. There appears to be an agenda to try to restore Anza-Borrego to some sort of "pre-European" condition, although the stamp of human history will always remain, and should not be erased. Indeed, at page 2-72, the DEIR states, "*In December 1941, the State Park Commission further expanded and dedicated the Anza Desert State Park to the memory of Colonel de Anza and all of the other pioneers and settlers.*" The DEIR details the many historic roads and trails that carried the traffic of our ancestors, from the recent past to over 5,000 years ago, and yet riding a horse along one of these trails, in the opinion of the current park managers, will somehow degrade that which was created by equestrians. Prove the logic, with scientific particularity, how equestrian traffic will degrade the historic trails, and specifically the de Anza Trail, the Mormon Battalion Trail, and the Jackass Mail Trail, as well as the California Riding & Hiking Trail, which has been closed in sections within Anza-Borrego.

19-6 At page 2-32, the DEIR states, "Many researchers have described soil disruption, plant trampling, and erosive effects of equestrian activity," and goes on to cite Widner and Marion 1993. In fact, this study describes that horses can cause disruptive activity if not managed properly, but in the full assessment, Widner and Marion conclude in the DEIR's own cited study, "horse traffic is not the single most important agent contributing to trail degradation," and that equestrians can be no more or less damaging to a resource than hikers or other forms of recreation. The study went on to describe particular instances where equestrians can be educated to minimize or eliminate impacts on the environment and recommended, "Visitor education is one of the few actions which can accomplish both objectives [protecting visitor freedom (from regulations) and protecting environment]. Introducing horse users to the consequences of their use and encouraging them to adopt improved low-impact horse use practices can greatly reduce impacts and may eliminate the need for more direct and restrictive regulations." With the elimination of equestrians from the trails within Anza-Borrego, it appears that the authors of the DEIR ignored the recommendations found in their own cited study. Further, the DEIR does not cite any studies proving that horses "spread ... exotic vegetation," (and again at page 3-25) and in fact, there are no valid studies that can prove this. Studies conducted

#19-7 The statement that a plant “*occurs* along regularly used hiking trails” does not mean that this species is *thriving* there. CSP must follow the sometimes conflicting directives of its Mission. CSP respectfully disagrees that the observations of park personnel are biased against recreation use. Park managers are stewards of the Park as well as charged with the efficient operation of the Park’s facilities that support visitor use. During the Resource Inventory, data was compiled from a number of sources, including outside scientific studies. Please see Sections 8 and 9 of the General Plan.

#19-8 The first statement is a visionary statement that addresses the concept of traveling in a similar manner to the early pioneers. Taken in context, the same paragraph states that horses are allowed only on designated trails and that taking them off the trails causes significant resource damage. Please also see Response #19-5.

#19-9 CSP respectfully disagrees. The General Plan allows for the expansion of trails. Many new trails are suggested by the Trails Assessment Team to be considered in the upcoming Trails Management Plan. Trail realignments are always a possibility in sensitive areas.

19-6
(cont'd) by Dr. Rob Atwill of University of California at Davis have concluded that horses are not vectors of exotic weed seeds.

19-7 In the cataloging of the endangered plant species within the park, a curious notation is found at page 2-50, "This plant [Arizona Carlowrightia] occurs along regularly used hiking trails and is likely to be impacted by passing hikers." This sentence appears to contain an oxymoronic statement; how can a plant thrive along a hiking trail, and yet be in danger from hikers? To the contrary, it would seem from this casual, unattributed citation that hiking trails actually aid the survival of this particular species. My point is this: throughout this section of the DEIR, the personal observation of the rangers are cited regarding various plant and animal species, but with such confusing conclusions as the one found on page 2-50, just how accurate and scientific and unbiased are any of those findings, and how can these potentially misleading prejudiced personal observations be justifiable means for trail closures, or any other recreational restrictions?

19-8 Although at page 2-106, the DEIR states, "Equestrians use can be a great opportunity to enjoy the Park in the same way as early pioneers," a conflicting statement is found at page 2-90, "...Equestrians are not allowed to travel off of the roads in the Park." In practice, equestrians are constrained from a great opportunity to enjoy the Park in the same way as the early pioneers—modern equestrians cannot travel on the same routes that those very pioneers traveled by horseback.

19-9 In the proposed updated Declaration of Purpose, found at page 3-6 in the DEIR, there is reference to "...making available these treasured qualities and experiences for present and future generations." A large part of what makes Anza-Borrego so treasured and so unique is the opportunity to imagine life as a pioneer or a settler as one crosses the desert using the same mode of transportation they used so many years ago. I would hope that my daughter can have that same experience without the interference of park managers who so obviously have a personal bias against equestrians. In order to preserve cultural sites, at page 3-31, the DEIR states, "Mitigative measure should be implemented where appreciable damage to sites is identified." There is no reason why mitigation through trail rerouting, or other viable methods, cannot be used to reopen trails to equestrians in order to protect any nearby resources. The park's own rangers patrol trails, currently closed to the equestrian public, by horseback, so obviously equestrian usage is not deemed to be a danger to cultural resources that requires the park to find alternatives to equestrian patrols! It's the "do as I say, not as I do" attitude that is so hostile and seemingly arbitrary. Furthermore, at page 3-35 of the DEIR, it states, "Include outreach efforts to develop partnerships with and support from the community for. . . environmental education." The paper regarding horse impacts, cited earlier, written by Widner and Marion, was a treatise on the education of the equestrian public in the "leave no trace" backcountry ethic, and yet the park has made no effort whatsoever to include partnerships with any recreational stakeholders, let alone equestrians. Certainly, there exist many equestrian groups, including the DEIR's own study authors, that advocate the education of equestrians (and indeed all backcountry recreationalists) and includes my own group, the Backcountry Horsemen of California, which conducts workshops throughout the state on proper backcountry etiquette. **The Backcountry Horsemen of**

#19-10 According to the Office of Historic Preservation, living animals do not qualify for listing on the National Register of Historic Places. In addition, feral horses were not present in Coyote Canyon during its 1772-1844 period of historic significance.

#19-11 The General Plan/EIR does have statutory time limitations that proceed according to the CEQA Guidelines. CSP does however, as a public agency, always accept input from the public and interested stakeholders on park management issues.

#19-12 CSP recognizes that many people have a strong, vested, interest in the future of ABDSP and welcomes you to continue this interest. CSP also recognizes the value of the low impact horsemanship and backcountry skills that Backcountry Horseman emphasizes in its programs and mission.

19-9
(cont'd)

California is ready and willing to form a partnership with the park to educate equestrians on the proper way to travel in the backcountry to minimize or eliminate impacts. I would hope that, as stated at page 3-59, "This Plan may restore some gentle use on historic trails or keep the historic trail intact and provide a parallel route along the same corridor," and that the trails historically used by equestrians be reopened.

19-10

I would hope that the park, after the unprecedented and unwarranted helicopter stampeding and then illegal removal of the wild horses of Anza-Borrego in 2003, resulting in tragic consequences for those horses and a loss of that historic resource—which is a federally protected historic resource--without cause and without the required public process, would consider improving its relationship with the equestrian public.

19-11

The above comments are by no means to be considered a comprehensive list of the concerns I have regarding the DEIR. I reserve the right to continue to comment on and object to any future, unforeseen, and unfortunately predictably negative changes to the management of Anza-Borrego Desert State Park.

19-12

May I also add, as a personal note, that I have been visiting Anza-Borrego Desert State Park since I was an infant, over 45 years ago. Throughout my lifetime, I have hiked, backpacked, camped, flown over, jeeped, horseback ridden, and horse camped in just about every part of Anza-Borrego, and along all of the historic trails that criss-cross the park. I love this park as much or more than any of the authors of the DEIR, and hope to continue to enjoy it in the future with a view from the top of a horse, and employing the sound, low impact horsemanship and backcountry skills that I have always used to protect such treasured resources.

As Edward Abbey wrote over 35 years ago in Desert Solitaire, "Let the people walk. Or ride horses. . ."

Sincerely,

Marcy A. Watton, Vice President, Public Lands, Representative of:
Antelope Valley Unit, Backcountry Horsemen of California; Equestrian Trails, Inc.;
Antelope Valley Trails, Recreation, and Environmental Council
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Aldo Leopold, c. 1911

#20-1 Please see Response # 2A-1. Support of Alternative 2 noted. The total additional acreage proposed for designation as Wilderness is approximately 55,797, or roughly 9% of the park's total acreage. No existing roads are affected by the proposed designation. Designation of lands as wilderness does not eliminate all forms of recreation, only those requiring mechanized equipment.

E-MAIL

Please accept the following comments as the official position of the San Diego Off-Road Coalition (SDORC).

20-1 It has come to the attention of the current leadership of SDORC that on page 4-22 of the Preliminary Plan it is stated that SDORC supports the preferred alternative. If in fact that was ever the position of SDORC, it is not now. SDORC cannot support the creation of the vast amount of additional wilderness that plan entails in a state which already has over 14 million acres of wilderness and a rapidly diminishing opportunity for recreation.

Please show SDORC in support of Alternative 2.

Thank you for your consideration.

Sincerely,

Jim McGarvie, Director of Communications
San Diego Off-Road Coalition

for:

Harold Soens, President
San Diego Off-Road Coalition
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(619) 449-9648

cc: Roy Denner, Director of Land Use, SDORC
Jim Arbogast, VP, CORVA